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SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.10 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)

(E/CN 4/2001/8, 10, 49-53, 54 and Add.1 and Corr.1, 55 and Add.1, 56, 57, 62 and Add.1-2, 123 and 148; E/CN.4/2001/NGO/1, 4, 14, 15, 26, 30, 58, 60, 63, 80, 82, 103-106, 108, 109, 125, 131, 148, 154, 166 and 186; E/CN.4/2000/33; E/CN.4/Sub.2/2000/13)

1. Ms. LITIN (Independent Expert), introducing her report on human rights and extreme poverty (E/CN.4/2001/54 and Add.1 and Corr.1), said that it was, in fact, an interim report. While member States had made real efforts, extreme poverty had not disappeared. However, more and more people were becoming involved in the struggle against poverty and that was encouraging.

2. She drew attention to paragraphs 25 to 34, which summarized the main comments received from States, international organizations and non-governmental organizations (NGOs) on her earlier recommendations, and noted that many States had adopted legislation establishing a guaranteed minimum income and others had engaged in direct dialogue with the poorest elements of their populations. All States had agreed on the need for specific measures targeted at poor and elderly women, and all NGOs had emphasized the importance of a world alliance against poverty. She also drew attention to the report of the Expert Seminar on Human Rights and Extreme Poverty (E/CN.4/2001/54/Add.1), adding that it had identified the need for new guiding principles.

3. She would continue evaluating the relationship between the eradication of extreme poverty and the promotion and protection of human rights. In that connection, she drew attention to the various questionnaires annexed to the report, adding that she would be interviewing the poorest people using the questionnaire in annex IV.

4. She also planned to continue the interactive dialogue with the International Monetary Fund (IMF) and the World Bank and noted that those institutions conceded that they had a role to play in overcoming poverty. It was necessary for them to go one step further for she believed that they had a duty to ensure that their decisions did not have an adverse impact on the human rights situation in a country anywhere.

5. Lastly, she drew attention to the worldwide migration of poor people (paras. 14 and 15), noting that it would require action on two fronts, namely, to promote economic growth worldwide and to combat racism. Rejection of the poor was worse when the poor were of another race. The forthcoming World Conference would also contribute therefore to the fight against poverty.

6. Mr. AMIN (Malaysia) said that, to ensure that economic, social and cultural rights were effectively enjoyed, it was necessary to examine why they were violated; to recognize the need for a multidisciplinary approach and to create an enabling environment by addressing the impact of globalization on the full enjoyment of human rights. His Government was concerned that

most developing countries had yet to reap the benefits of globalization. Accordingly, it would soon be hosting in Kuala Lumpur a workshop on globalization and its impact on the enjoyment of economic, social and cultural rights.

7. Recognizing that economic growth, resource mobilization and poverty eradication were essential to the realization of all human rights, his Government had focused in its national development plan, on striking a balance between economic growth and equity; ensuring a balanced development of the major sectors of the economy and developing a progressive society in which all citizens enjoyed greater material welfare while at the same time fostering spiritual values and a sense of national pride.

8. While each State bore primary responsibility for ensuring that its citizens enjoy their human rights, it was equally important for the international community to create a supportive environment.

9. Mr. AKRAM (Pakistan) said that efforts to promote economic, social and cultural rights were of critical importance in the current context of globalization. His country's approach to the issue might be useful in developing approaches at the national level. It focused on improving governance by enhancing transparency and reducing corruption; reducing poverty inter alia through structural reforms and investment in human capital, particularly through primary education and basic health; reducing the external debt burden; promoting employment generation programmes in low income areas and establishing micro-credit facilities to improve access of poor people, especially women, to credit.

10. The current asymmetrical evolution of global society was a result of persistent discrimination against developing countries as evidenced by the fact that, despite abundant food supplies, malnutrition in poor regions of the world was increasing; that technologies such as the Internet had increased the flow of cross-border knowledge but half the world's population had never even made a telephone call; that life-prolonging medicine for persons with HIV/AIDS existed but those most affected could not afford them; and that, although work existed in the affluent regions, the poor could not get work because of barriers to the movement of persons.

11. Solving global poverty required global efforts, to redress the global inequality in the international trading system, promote global financial stability and open the markets of rich countries to the agricultural produce, manufactured goods and services of developing countries and provide adequate funding through official development assistance (ODA), debt reduction and write-off and the creation of new mechanisms to ensure investment in the developing countries.

12. Mr. SABHARWAL (India) agreed with the Special Rapporteur on the right to education that education was the key to development and that the right to education was the key to the enjoyment of many other human rights. His Government had undertaken a campaign to achieve the goal of universal elementary education in stages, the initial targets being to have all children attending school by the year 2003 and to have all children assured of eight years of schooling by 2010.

13. Turning to the report of the Special Rapporteur on adequate housing (E/CN.4/2001/51), he noted that the only critical comments related to two judgements of the Indian courts. While he had taken note of the comments, which were in line with those of other critics, he had no reason to believe that the critics had greater wisdom than the institutions entitled to take decisions on such matters.

14. Mr. NGOUBEYOU (Cameroon) said that, in promoting and implementing the International Covenant on Economic, Social and Cultural Rights, his Government was establishing a legal framework and adopting a pragmatic approach. In that regard, it had been concentrating on preserving peace, security and stability, consolidating democracy and the rule of law; promoting and protecting human rights and adopting and implementing its poverty reduction strategy, health and education policies, food and food security plans, employment and urban policies as well as its governance and anti-corruption programme.

15. The promotion of human dignity lay at the heart of his Government's concerns. There had been a considerable increase in the number of children attending school, largely as a result of the decision to make primary education free of charge. The Government had taken steps to ensure that the education was of high quality and to improve teachers' salaries, develop curricula and introduce human rights education. A number of health centres had been set up, and there was a central body to provide essential drugs. Unemployment, though still high, was falling with the upturn in growth. Minorities were well protected under the Constitution and laws of Cameroon, as well as by the electoral system.

16. His Government had taken steps to encourage the recruitment of women at all levels in the State apparatus and to encourage the creation and development of community movements. The right to work, as well as trade union activity, social security and health insurance were practical realities. Civil service salaries had been increased by 30 per cent. Protection of the family, mothers and children, and the participation in society of the handicapped, were assured. As for polygamy, its legal authorization derived from African culture, civilization, tradition and customary law.

17. The areas of particular concern to his Government were the right to an adequate standard of living, increasing wages, poverty reduction measures for the most vulnerable sectors of the population, improving housing and health and hygiene in prisons, the right to physical and mental health, the campaign against AIDS and developing a broad-based pharmaceuticals policy through the provision of essential drugs.

18. Mr. AL-NIMA (Observer for Iraq) said that the sanctions against his country had produced human suffering that would last for generations to come and were in flagrant violation of the international human rights instruments. The sanctions, which amounted to genocide, had political motives and were designed to hinder the process of development in Iraq. There was no longer any justification for them, and they were being used by the United States of America and the United Kingdom as a weapon. Child mortality in Iraq had broken all records as a result of them, and their cumulative consequences had eaten into the social fabric of Iraq, which currently had high levels of youth unemployment and delinquency. The Commission should do whatever it could to mitigate their consequences.

19. Dr. TARANTOLA (World Health Organization (WHO)) said that the potential of human rights to contribute to the practice of public health was being increasingly understood by policy makers and practitioners alike. WHO had provided technical input to the preparation of general comment No. 14 on the right to the highest attainable standard of health adopted by the Committee on Economic, Social and Cultural Rights in 2000, and had itself been developing a health and human rights strategy which examined ways in which health and human rights issues could feature within WHO's work in supporting its member States and responding to their peoples' health needs.

20. Experience of helping Governments, communities and affected people in responding to HIV/AIDS had shown the importance of ensuring that health challenges were addressed in ways that safeguarded human rights, but there were other linkages also between health and human rights. Lack of attention to and violations of human rights could have direct and serious consequences for people's health, as in the case of female genital mutilation or systematic discrimination on the basis of sex and gender roles. Conversely, the vulnerability to and the impact of ill health could be reduced by taking steps to respect, protect and fulfil human rights.

21. WHO focused on illnesses which disproportionately affected the most vulnerable population groups, and that inevitably brought the Organization into the human rights discourse. Such groups included those who were disenfranchised and as a result denied access to essential health care, and prisoners, who were disproportionately affected by tuberculosis and whose access to health care was often limited.

22. The fact that more than 80 per cent of smokers began smoking before they were 18 led one to wonder whether the core guiding principles of the Convention on the Rights of the Child were being applied in all State action. Malaria killed 3,000 children every day in situations where an individual's right to a healthy environment was not fulfilled, and yet there had been an inadequate response from the economically affluent countries to the call from Africa's Heads of State in April 2000 for international solidarity in the effort to roll back malaria in Africa.

23. Lastly, mental health was a much neglected area of which the human rights dimension was an integral component. Discrimination, stigma and social exclusion might be both a cause and a consequence of mental disorders, and it was shameful to witness the continuing neglect and mistreatment of some people in mental institutions. A human rights approach centring on the human dignity of the individual was the key to addressing other public health challenges posed by mental health.

24. The interdependence and indivisibility of all human rights prompted the need for more attention to be given to economic, social and cultural rights, and especially the right to health. It should be a priority for the entire international community. The main obstacle was poverty, which required resources and political will, as well as courage and vision.

25. Mr. SFEIR-YOUNIS (World Bank) said he welcomed the endeavours of the Special Rapporteur on adequate housing, even if the Bank adopted different positions from him on certain issues. One of the most important fundamental issues in respect of the right to education was the question of school fees in primary education. That was an issue that had to be discussed, particularly with countries that did not have sufficient resources. In that connection,

the policies and programmes of all sectors of the economy and not just the education sector had to be analysed. Poverty Reduction Strategy Papers (PRSPs) was a very recent process of country reporting, and lessons were still being learned from it. The integration of human rights into that process was a country decision and, if a country decided to adopt a humans rights approach to the elimination of poverty, the Bank would fully support that decision.

26. Mr. HUSSEIN (Observer for Egypt) said that the enjoyment of economic, social and cultural rights was a basic prerequisite and safeguard for the enjoyment of civil and political rights. Human rights were indivisible, and if economic, social and cultural rights were not guaranteed, the enjoyment of all rights would be impeded.

27. In spite of its full support for the efforts of the Committee on Economic, Social and Cultural Rights, his Government had expressed reservations about the idea of adopting an optional protocol to the Covenant. The draft optional protocol did not cover the responsibilities of non-governmental economic parties, even though some of them had the capacities for exceeding those of many developing countries.

28. Ms. RIVERA RAMÍREZ (Observer for Honduras) said that her Government concentrated its social rights programmes in terms of education, health and food on families living in extreme poverty and on the provision of medical services in remote rural areas. Honduras had suffered considerable economic and environmental damage as a result of natural disasters in recent years, and there was an indissoluble link between development, environmental sustainability and the risks of disasters.

29. National efforts were not sufficient on their own, and there was a need for international cooperation in terms of know-how, technology and financing. Regional and national efforts in Central America should be backed up by international solidarity, otherwise the vicious circle of unsatisfied demands would create political instability and the conditions for development would deteriorate. External debt continued to be a serious impediment to the achievement of economic, social and cultural development. The open-ended working group on structural adjustment programmes and economic, social and cultural rights should continue its consideration of the world economic situation, in particular the repercussion of commercial, financial and monetary practices on employment and poverty. The international financial institutions should take full account of the political and social situation of the heavily indebted developing countries.

30. Honduras would shortly be submitting its initial report to the Committee on Economic, Social and Cultural Rights, and that report would give a detailed account of the current situation in the country, including the impact of Hurricane Mitch, which still had major consequences for the country's human development.

31. Mr. MEJÍA SOLÍS (Observer for Nicaragua) said that his country had made significant progress in implementing the provisions of the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, with particular reference to the promotion and protection of the human rights of the indigenous peoples, women, children and

the elderly. His Government had adopted a national strategy to overcome poverty, providing basic education, health, clean drinking water and food in the 60 municipalities with the highest levels of extreme poverty. Better coordination had been achieved between the central and local authorities and civil society.

32. The Government's programme to combat malnutrition in children covered more than 20,000 children in community child-care centres, and mortality rates among the under-fives had been significantly reduced. The national education strategy was a benchmark for defining the goals of the national plan of educational development which further decentralized the administration, increased teachers' salaries and modernized the functioning of the Ministry of Education, Culture and Sport. A law had been passed on the promotion of human rights and the teaching of the political constitution for the purpose of improving the general understanding among citizens of their rights and of the national and international mechanisms that existed to protect them. The Government was also concentrating its efforts on strengthening macroeconomic adjustment and structural reforms.

33. Mr. ERGUDEN (United Nations Centre for Human Settlements (Habitat) said that, in most cities in developing countries, more than half the population lived in informal settlements with no security of tenure and in life- and health-threatening conditions. The poorest of the poor were the homeless, estimated at about 100 million, an increasing proportion of whom were women and children. There was an annual need for some 35 million units of housing in the urban areas of developing countries alone to meet the requirements of the homeless and newly formed households and to replace dilapidated dwellings. That was equivalent to about 95,000 housing units per day.

34. Many Governments had revised their housing policies to include the human rights dimension and the Second United Nations Conference on Human Settlements (Habitat II) had developed a framework in which human settlements development was linked to the process of realizing human rights in general and housing rights in particular. The fact that Governments were committed to the right to adequate housing did not in any way imply that they were obliged to provide free housing for all their citizens. They did, however, have the responsibility of facilitating an enabling environment where the potential and capacity of households were supported.

35. Increased housing production should run parallel with actions focusing on the human rights aspects of housing development, such as security of tenure and residential stability, promoting access to housing resources, combating homelessness, preventing forced evictions and discrimination in the housing sector proving access to remedies where rights were violated and the elimination of gender inequalities. Habitat and the Office of the High Commissioner for Human Rights (OHCHR) were currently preparing a joint programme focusing on practical areas of the process of realizing housing rights. Habitat's two global campaigns on Urban Governance and Secure Tenure and the Cities Alliance initiative developed jointly by Habitat and the World Bank, could make a significant contribution to the realization of housing rights.

36. Women's equal right to the ownership and control of land and property were fundamental areas of concern. Habitat would welcome the adoption of a strengthened resolution on women's housing rights at the Commission's current session. It also supported the mandate and activities of the Special Rapporteur on adequate housing. His work was complementary to the United Nations Housing Rights Programme.

37. Mr. MASUKU (Food and Agriculture Organization of the United Nations (FAO)) said that the World Food Summit had adopted the ambitious yet realizable goal of halving the number of undernourished people in the world by 2015. It had reaffirmed the right of everyone to adequate food and the fundamental right to freedom from hunger.

38. While the normative content of those rights and the nature of State obligations had been largely clarified, much remained to be done on implementation at the national level. The third Consultation on the Right to Adequate Food, gave valuable advice on how States could operationalize the right to adequate food through framework legislation, strong food-security policies and attention to food rights in the context of poverty alleviation programmes. His Organization had been pleased to establish contact with the new Special Rapporteur on the right to food and hoped that he would attend the relevant FAO meetings.

39. FAO statistics suggested that there were fewer undernourished people than some years previously. The resources and technology existed to ensure that no one should be hungry: world food production was sufficient to feed everyone and was expected to remain so for the foreseeable future. Progress in increasing access to adequate food, however, was slower than it should be if the target of reducing the number of undernourished people by 2015 was to be achieved.

40. A global forum called World Food Summit: Five Years Later would provide an opportunity to take stock of achievements and to restate commitments to actions enabling countries to meet the goal of the Summit. The forum would be preceded by a series of consultations on the themes of fostering the political will to fight hunger and mobilizing the necessary resources. Prominence would be given to human rights issues. He also drew attention to a strategy for concerted government and United Nations agency action, entitled "The elimination of food insecurity in the Horn of Africa".

41. Mr. ANOSHKO (Observer for Belarus) said that his Government was determined to provide full respect for fundamental human rights and freedoms while preserving social stability. Any imbalance in realizing economic, social and cultural rights could have disastrous consequences. It therefore focused on the gradual planned reform of economic, social and cultural institutions. It had a significant amount of experience in dealing with unemployment, poverty and falling living standards.

42. His Government was endeavouring to raise the standard of living and the quality of life by giving all able-bodied persons the opportunity to provide for themselves and their families, while providing social protection for those unable to work. An effective social policy was

crucial. A country's future depended on its young people and the necessary legislation had been put in place to implement a youth policy. Budgetary resources had been allocated for a youth programme and a training and qualification system for working with young people was being elaborated.

43. During the transition period, Belarus had generally managed to maintain its former cultural achievements. His Government had established priorities and principles for its long-term cultural programme based on the preservation of the country's historical and cultural heritage and the development of national cultural traditions. The main aim of the programme was to develop the deepest sources and traditions of national culture, with due regard for the fact that it had been preserved and developed not by those at the top of Belarusian society, who had been deprived of their Belarusianness by historical circumstances, but by the common people, particularly in the rural areas.

44. Mr. HAN Sung Ii (Observer for the Democratic People's Republic of Korea) said that a life lived in dignity was inconceivable without such political rights as the right to elect or be elected, as well as economic, social and cultural rights, including the right to food and shelter. It was no exaggeration to say that human rights violations at the national and international levels were largely due to social and economic inequality. Over 1 billion people were threatened by extreme poverty, 40,000 children died of hunger and curable diseases every day, 1.5 billion people were illiterate and there were still 15 million refugees around the world. The situation was deteriorating, with resulting antagonism between individuals and armed conflict between States. Surprisingly some people considered that economic, social and cultural rights were outside the normal range of human rights and should be realized only as the economic situation improved.

45. Worse still, some Governments, in order to justify their position that absolute priority should be given to civil and political rights, groundlessly accused others of using economic, social and cultural rights as a cover for the abuse of political rights. Such an approach had a negative impact on worldwide efforts to promote and protect human rights, since they were motivated by political interest. In particular, the gap between the developing and the developed countries in the exercise of economic, social and cultural rights was widening owing to the negative effects of globalization, unilateral economic sanctions and blockades. The Commission should contribute to the realization of such rights by discussing and adopting practical methods for establishing a just and equitable international economic order.

46. Mr. VAEZ MAHDAVI (Observer for the Islamic Republic of Iran) said that, through its First and Second Development Plans, his Government had implemented programmes to improve the social and cultural rights of its people in the fields of education, health, food security and the fight against narcotic drugs. In particular, the Government attached great importance to the issue of education. The structural reforms under the First Development Plan had been particularly supportive of primary and secondary education. The number of primary schools was rising by nearly 2 per cent a year. There had been a remarkable increase in the female literacy rate since the revolution and women had also made great progress in secondary education. The Second Development Plan had focused on balancing the gender distribution of students in the poorer regions and encouraging girls to attend school.

47. The Special Rapporteur on the right to food had identified seven major economic obstacles to the realization of that right. The international community should concentrate on the removal of those obstacles, which could not be done unless the international economic climate was favourable. His Government considered food security to be a basic priority and was, indeed, obliged by the Constitution to take the measures necessary to provide such security. Over the past 20 years, considerable progress had been made in that regard.

48. Lastly, one of the obstacles facing the developing countries in the implementation of their economic, social and cultural rights was the problem of foreign debt. They should be helped and supported.

49. Mr. VIGNY (Observer for Switzerland) said that the report by the Special Rapporteur on the right to food (E/CN.4/2001/53) was based on the operational approach, calling on all actors in society to take responsibility for ensuring the right to food. It emphasized the fact that the right to food could not be considered separately from efforts to reduce poverty in general. It also highlighted the issue of the internal coherence of the institutions of the United Nations system. In that connection, it should have paid more attention to the views expressed by the World Trade Organization (WTO), the IMF and the World Bank. Similarly, it could have devoted some space to the work of the International Labour Organization (ILO) in promoting decent work, since that too was connected with the right to food. His delegation had some reservations about paragraph 73, which seemed to call into question the WTO Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreements.

50. Human rights and development cooperation were closely linked in his Government's policy, since sustainable human development could take place only if human rights were respected. Any discussion of a given right should therefore extend to an analysis of the obstacles preventing its enjoyment in any given country. In that context, the report could have contained a more detailed study of the foreign debt issue, given that many developed countries had taken specific steps in that regard. A discussion of how such measures accorded with those recommended by the international financial institutions, particularly with regard to the heavily-indebted poor countries (HIPC) initiative would also have been useful.

51. A lack of access to sufficient food could lead to serious social disorder. The report should have developed that point. To the seven economic obstacles the Special Rapporteur had identified should be added environment policy, which could be crucial in the implementation of the right to food. Chapter III, on domestic legislation, should be expanded to cover domestic constitutional standards. Lastly, although his delegation largely supported the Special Rapporteur's conclusions and recommendations, it thought that the time for public subsidies was past in the era of globalization.

52. Archbishop MARTIN (Observer for the Holy See) said that investment in human capacity was a prerequisite for economic development and essential to the recognition of the dignity of all persons. Indeed, economic, social and cultural rights and human rights education had in recent years acquired a new significance in development policy. Poverty could no longer be defined merely as a lack of income, linked as it was to the ability of people to realize in full their God-given capacities. A multidimensional approach to poverty eradication was thus required. It involved the strengthening of social and judicial infrastructures, not only to protect

market functioning, but also to safeguard the human rights of all persons, especially the marginalized. The vision of a human person-based economic policy opened up new areas of dialogue between economic and human rights communities. Furthermore, in order to ensure greater sustainability of the fight against poverty, civil society should be involved more fully in the Poverty Reduction Strategies.

53. Mr. SCHLEIFFER (World Food Programme (WFP)) said that, in a world of adequate food supplies, hunger was an outrage and a violation of human dignity. In 2000, his organization had provided food aid to 83 million people in 83 countries. Its people-centred approach placed the interests of food-insecure and vulnerable people first, and was aimed at creating an enabling environment for human rights. The provision of food aid was a dangerous task, however. Over the past decade, 27 staff members of WFP had been killed.

54. States' obligations were outlined in the World Food Summit Plan of Action. In particular, Governments must create an enabling economic and political environment to ensure food security for those within their borders. WFP could provide assistance to that end. In particular, it was committed to ensuring long-term solutions. It had become a major buyer of food commodities in the world market, thereby strengthening the position of domestic food producers. Its programmes stressed adequate access to food, as well as non-discrimination, participation, equality and empowerment for all groups, including women and the internally displaced. A recent contribution by a major donor would allow its school-feeding programme to be expanded.

55. International organizations could play a facilitating role in achieving food and nutrition targets and act as providers in emergencies. For WFP, that might include working with States in: identifying all vulnerable groups without discrimination; supporting data collection on food security indicators; understanding the causes of vulnerability and of barriers to food security; supporting local food purchases and distribution mechanisms; supporting production in marginalized areas; supporting food production and processing; and acting on behalf of persons unable to realize their basic rights.

56. The right to food was not about a right to receive food aid, but about continuous physical and economic access to adequate food, or the possession of adequate resources for its procurement. WFP was working with its partners to ensure that food access was expanded to all population groups in ways that safeguarded human dignity and promoted self-reliance.

57. Mr. VIKIS (Observer for Cyprus) said that Turkey had been engaged in the systematic destruction of the cultural heritage of Cyprus for 27 years, through its subordinate local administration in northern Cyprus. Virtually all the registered Greek Orthodox churches and monasteries had been desecrated. Graveyards had been vandalized, museums plundered and archaeological sites destroyed. Cypriot antiquities were being sold on the international black market. Such destruction was equivalent to "an act of genocide", the "victims" being the cultural treasures of countless generations. Turkey evidently belonged to the very small group of countries that had no respect for other cultures.

58. Mr. VAN DER HEIJDEN (Observer for the Netherlands) said that poverty made the right to an adequate standard of living illusory for many people. Although many people had in recent decades witnessed an improvement in their living conditions, the economic and social rights of the world's neediest had increasingly been undermined. It had been a while before his own Government had fully appreciated the relationship between development assistance and human rights but it had come to understand that sustainable development not only combined economic development, social development and environmental protection, but also included full respect for human rights and democratic institutions.

59. In view of the changing role of States, his delegation supported an approach to human rights which took account of two elements: State responsibility for upholding human rights, and partnerships at the international level. In that connection, his Government was prepared to provide financial assistance to Governments that had demonstrated a commitment to good governance. Any strengthening of international monitoring of the implementation of economic, social and cultural rights would be welcome. The Sub-Commission on the Promotion and Protection of Human Rights should be given the opportunity to submit recommendations to the Commission concerning the draft optional protocol to the International Covenant on Economic Social and Cultural Rights and the results of the workshop on the justiciability of economic, social and cultural rights.

60. Ms. SAYEGH (General Arab Women Federation), speaking also on behalf of All India Women's Conference, Women's Federation for World Peace International, World Information Transfer, World Movement of Mothers, World Peace Council, World Young Women's Christian Association (World YWCA), and Voice of Women for Peace, said that the devastating economic and social impact of the sanctions on Iraq had been well documented. The sanctions, however, continued to be imposed while the daily bombardments by the United States of America and the United Kingdom brought further casualties and destruction to infrastructure and land. World public opinion was finally awakening to the suffering being caused to the entire population of Iraq in the name of "the people of the United Nations".

61. While the Iraqis were making a valiant effort to cope with their situation, they did not have the means to stem the economic collapse of their country, or the rising unemployment and massive inflation. In 1989, one Iraqi dinar had been worth US$ 3.20, US$ 1 was currently equivalent to ID 7,000, with the average monthly salary being equivalent to US$ 5. The Iraqi Government had introduced a rationing system - costing an annual US$ 1.2 billion - to provide the most basic necessities to 20 million people. That was sufficient to keep the population alive, but not to ensure its healthy development. The Commission should thus urge the Security Council to lift the sanctions against Iraq without delay.

62. With regard to the oil-for-food programme, which had been heralded as a great humanitarian gesture by the United Nations, the organizations she represented were scandalized by the manner in which Iraq's oil revenues were being distributed by the United Nations Compensation Commission (UNCC). According to a newspaper report, US$ 15.9 billion had been awarded in a single payment to a handful of companies including Kuwait Petroleum Corporation. That was twice the amount received by the Iraqi Government between 1996 and 2000 to feed and care for its population. In addition, an annual US$ 50 million were deducted from Iraqi exports to fund the UNCC Secretariat and its Commissioners. The

Government of Iraq had no right of appeal against any UNCC decision. Moreover, the shipment to Iraq of foodstuffs and medical and educational materials remained blocked because of the failure of the relevant Security Council Committee to authorize their clearance for shipment.

63. The Secretary-General had stated that the worsening of the humanitarian crisis in Iraq was an "unintended consequence" of the sanctions. The devastating effects of the sanctions could no longer be considered to be unintended, since they had been known for 10 years. The only conclusion was that the crisis was intended ....

64. The CHAIRMAN said that the speaker had exceeded her allocated time by two minutes.

65. Mr. PARY (Indian Movement "Tupaj Amaru") said that globalization had deprived Governments of their economic function in planning social production. That role had been taken over by the transnational corporations in accordance with a neo-liberal approach imposed on the developing countries by the World Bank and IMF. Through those corporations, international investors had reintroduced a neo-colonial pattern to North/South relations. Ironically, while the transnational corporations were squeezing the wealth out of the poor countries, leaving their traditional economies in ruins and contaminating their air and water, the rich countries were closing their borders to the free movement of people.

66. As had been made clear at a recent social forum, there was a growing movement among peoples of African descent and indigenous peoples against neo-liberal policies, which led to a chaotic spiral in which more and more was produced and consumed ... without ultimate satisfaction, the focus being on quantity not quality. Experience showed, however, that economic growth based on the destruction of natural resources simply increased the gap between the rich and the poor. If the current patterns persisted, present and future generations would be condemned to material and moral wretchedness.

67. World Bank statistics showed that 56 per cent of the world population lived in poverty; 1.2 billion living on less than US$ 1 a day and 2.8 billion more on less than US$ 2 a day. Indigenous peoples constituted over 80 per cent of the rural poor in the developing countries and 61 per cent in the case of Latin America and the Caribbean. The poor deplored the lack of political will in the rich countries to eradicate poverty. The current international economic order was profoundly unjust, completely unsustainable and morally indefensible. The wealth of the three richest people in the world was greater than the gross domestic product (GDP) of 48 developing countries.

68. Ms. AL TABAL (North South XXI) said that, for the past six months, many Palestinians had been prevented from reaching their places of employment or had lost income; indeed, 30 per cent of the population of the Gaza Strip relied on income generated by work in Israel. Since the start of the intifada, the number of Palestinians working in Israel had been reduced to 20,000. Daily direct losses of income due to lost work were estimated at US$ 2.7 million.

69. In view of the sustained nature of the violation of the human rights of the Palestinians: the Commission should request the Security Council to establish an international protection force; call on the High Contracting Parties to the Fourth Geneva Convention to take action, and urge the General Assembly to adopt economic sanctions and other measures, such as the suspension of Israel's membership of the Organization, to oblige Israel to comply with United Nations resolutions. In addition, a human rights monitoring force should be sent to the occupied territories and a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights should be developed.

Statements in exercise of the right to reply

70. Mr. ISCAN (Observer for Turkey) said that the preposterous allegations by the representative of Cyprus hardly merited a response. Turkey was not responsible for the actions of the authorities in Northern Cyprus. However, since the latter was not represented in the Commission, his delegation would take it upon itself to respond to some of the more outrageous claims. The Turkish presence in Cyprus did not amount to an occupation, as already explained. The allegations of looting were baseless, having been refuted by the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Council of Europe and the World Council of Churches. It was the Greek Cypriot side that had always tried to cleanse the island of its ethnic Turkish population and eradicate its heritage, including 107 mosques and Islamic sites.

71. Mr. VIKIS (Observer for Cyprus) said that Turkey had been condemned by the European Court of Human Rights and in United Nations resolutions for its massive violations of human rights. The parliaments of many countries had noted Turkey's acts of genocide in Cyprus, as well as its poor human rights record at home. The Turkish delegation was engaged in a gross distortion of reality. All but a few churches and mosques had been looted and vandalized by Turkish forces, as he had explained. Turkey must halt its destruction of the island's cultural heritage.

72. Mr. ISCAN (Observer for Turkey) asked how the representative of a community that had attempted to exterminate ethnic Turks dared to make fictitious allegations of genocide.

73. Mr. VIKIS (Observer for Cyprus) said that he had merely observed that the parliaments of many countries had noted Turkey's acts of genocide - a fact that the previous speaker could hardly deny.

The meeting rose at 6.10 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 April 2001, at 6 p.m.

Chairperson: Mr. DESPOUY (Argentina)

later: Ms. FILIP (Romania)
(Vice-Chairperson)

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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The meeting was called to order at 6.10 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued) (E/CN.4/2001/8, 10, 49-53, 54 and Add.1 and Corr.1, 55 and Add.1, 56, 57, 62 and Add.1-2, 123 and 148; E/CN.4/2001/NGO/1, 4, 14, 15, 26, 30, 58, 60, 63, 80, 82, 103-106, 108, 109, 125, 131, 148, 154, 166 and 186; E/CN.4/2000/33; E/CN.4/Sub.2/2000/13)

1. Mr. SANCHEZ (American Association of Jurists) said that the main obstacles to the realization of economic, social and cultural rights were the neo-liberal policies and antidemocratic structures of the International Monetary Fund (IMF), the World Bank and the World Trade Organization (WTO) and the dominance of the large transnational corporations. WTO served the interests of the international monopolies and oligopolies that were represented by the great Powers, against which poor countries had no defence. The fact that the United States of America, supported by the European Union, had recently won a case against India for manufacturing generic anti-AIDS drugs showed that WTO put the profits of the transnational pharmaceutical corporations above the right to health and life of the poor. The Commission must urge the United States and 39 pharmaceutical transnationals to withdraw similar complaints that they had brought against Brazil and South Africa, respectively.

2. There was ample evidence of the adverse impact of the activities of transnational corporations on all human rights. The Office of the High Commissioner for Human Rights (OHCHR) was utterly mistaken in its view that the business community would play a role in promoting and protecting human rights in the new century (E/CN.4/2001/25, para. 43). A renewed effort must be made to compel the transnational corporations to respect human rights, and particularly economic, social and cultural rights.

3. The draft optional protocol to the International Covenant on Economic, Social and Cultural Rights could constitute a significant step forward in the legislative field, provided that it abolish the requirement that a complainant must belong to the accused State and permitted States to submit complaints to the Committee.

4. Mr. OLIVA ALONSO (Earthjustice Legal Defence Fund), speaking also on behalf of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations, and referring to the report of the Special Rapporteur on toxic waste (E/CN.4/2001/55/Add.1, para. 16), said that, although the facts surrounding the Delta and Pine toxic waste dumping case were publicly known, and despite the calls of the inhabitants of Rincón-í to the Delta and Pine company itself, the Government of Paraguay and the World Health Organization (WHO), nothing had been done to remove the toxic cotton seeds and decontaminate the area; to provide medical treatment to those affected; to establish a long-term medical and environmental monitoring programme; or to provide adequate compensation to those affected, their families and the community in general. The fundamental rights of the community's 600 inhabitants to health, a healthy environment and economic survival on their own land had been violated with impunity.

5. The case was a dramatic illustration of how toxic waste dumping was carried out without the slightest respect for fundamental rights. The Commission should investigate the extent to which environmental issues affected civil, political, social, economic and cultural rights in the

third world and, with a view to the World Summit on Sustainable Development, to be held in Johannesburg in 2002, it should also request the Special Rapporteur to keep it apprised of legal and institutional measures to protect and promote human rights in relation to the environment.

6. Mr. MIOT (International Federation of Rural Adult Catholic Movements (FIMARC)) said that, despite scientists' questions, farmers' protests and consumers' reticence, the biotechnology corporations that had developed genetically modified seeds were rushing to cash in on their vast investments without taking time to assess what hazards they might present to health and the environment. If the aim was indeed to serve humankind and feed the world, as the United States company Monsanto proclaimed, research should be concentrated not on maize to feed cattle in rich countries, but on drought-resistant plants such as sorghum, to feed the children in poor countries.

7. The relevant international organizations should pay heed to public opinion, which was increasingly opposed to the production and marketing of transgenic plants to the benefit primarily of transnational corporations. What peasants needed was genuine land reform that would make it possible to feed local populations, international trade that would guarantee fair prices and a truly alternative model of agricultural development that would not exclude small-scale producers and destroy the environment.

8. FIMARC therefore urged the States that had not yet done so to sign and ratify the Protocol on Biosafety to the Convention on Biological Diversity. Until the Protocol entered into force, a moratorium should be introduced on international trade in genetically modified organisms (GMOs). Comprehensive labelling should be made compulsory for products containing GMOs and producers' and exporters' liability for environmental or health problems should be clarified. Food sovereignty should be recognized as a right and the rules on international trade in GMOs established in the Protocol should take precedence over WTO rules.

9. Ms. MIVELAZ (World Organization against Torture) said that land reform in Brazil was progressing very slowly and had not yet provided a solution to the situation of landless peasants, whose claims were generally met by violent repression and eviction on the part of the State and large landowners. The problem of rural poverty, underdevelopment and a high concentration of land ownership was closely linked to violations of economic, social, cultural, civil and political rights. Macroeconomic policies had not helped and, in some instances, had exacerbated the situation. Her organization was extremely concerned about the issue of impunity: five years after the killing of 33 peasants by police in the State of Paraná, for example, no proper investigation or prosecution had been carried out.

10. It was also concerned at the Indian Government's violent response to tribal peoples' assertion of their economic, social and cultural rights in connection with a major hydroelectric project in Jharkhand State. Despite the fact that construction of the two dams would result in the displacement of many thousands of families from 250 villages, the Government had not consulted the people affected and police had opened fire on a peaceful protest meeting, killing 8 people and injuring 10 others.

11. In the Philippines, a Japanese company regularly violated its workers' labour and human rights: active union members were threatened with dismissal and a strike had been brutally broken by police and security guards, who had injured 30 people in the process.

12. Her organization believed that all special rapporteurs and working groups should consider the impact of globalization and poverty on the rights falling under their mandate. It welcomed the work of the Special Rapporteur on housing rights, and stressed the importance of adopting an optional protocol to the International Covenant on Economic, Social and Cultural Rights and establishing an open-ended working group in accordance with Sub-Commission resolution 2000/9.

13. Ms. STUCKEY (Pax Christi International) said she welcomed the progress made towards the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights and believed that further research should be carried out within a specific working group.

14. Access to decent work was a priority in efforts to overcome poverty and ensure the full enjoyment of fundamental human rights. The Commission should also consider a new approach to debt, one based on a redefined framework of structural adjustment and genuine consultation of civil society. Privatization of social services in the name of competitiveness must be condemned, since it meant that price levels were determined by profitability and that citizens' access depended on their purchasing power - a violation of human dignity.

15. Lastly, full enjoyment of economic, social and cultural rights depended on attaining the 0.7 per cent target for official development assistance (ODA). The Commission might also address the issue of a tax on financial speculation.

16. Ms. WOLF (International Federation Terre des Hommes) said that, in Brazil, the richest 20 per cent of the population controlled 64 per cent of the nation's wealth, while the poorest 20 per cent had just 2.2 per cent. Seven per cent of children suffered from malnutrition and, despite experts' recommendations that a massive investment in education was needed, the education budget had shrunk by 9.1 per cent between 1995 and 1999. The Afro-Brazilian population was the poorest and least educated group in the country. Although Brazil had been sixty-third in the world according to the 1997 human development index, its population of African descent taken alone would have been placed one hundred and twentieth. There were other issues such as land distribution, labour rights, social disintegration and violence, and a lack of dialogue with civil society. According to a recent report by Brazilian non-governmental organizations (NGOs), about five per cent of the gross national product (GNP) would be sufficient to eradicate poverty from Brazil.

17. Violations of economic, social and cultural rights often took place in breach of domestic legislation. In such circumstances, it was essential that international remedies should be available. Having urged all States that had not yet done so to ratify the International Covenant on Economic, Social and Cultural Rights, she said that States' lack of interest in the draft protocol to the Covenant was inconsistent with their political declarations and her organization

called upon them to communicate their views in the matter to OHCHR. In addition, a working group should be established to examine the subject of international remedies and economic, social and cultural rights.

18. Mr. PERERA (World Federation of United Nations Associations) said that the international community had an obligation to cooperate more closely with sub-Saharan Africa, 50 per cent of whose people lived on 65 United States cents per day. While the West had good reason to be disillusioned with such an unstable region, it should bear in mind the effect of Africa's colonial past, the way in which the cold war had been waged in part through African proxies, and sub-Saharan Africa's subsequent utter marginalization. Only through effective cooperation could the peoples of the region be guaranteed full enjoyment of their economic, social and cultural rights.

19. There were signs of change, however, on the part both of African leaders themselves, who were beginning to realize that Africa's future lay in its own hands, and of the West, which had begun not only to acknowledge its own role in creating Africa's current problems but also to implement concrete measures such as debt relief, phasing out of trade barriers and campaigning for overall ODA to be increased to the long-standing United Nations target of 0.7 per cent of GNP. Rich countries could further aid sub-Saharan Africa by, for example, supporting the Millennium African Renaissance Programme and providing assistance in combating malaria, tuberculosis and HIV/AIDS. For their part, African leaders and peoples must restore and maintain political stability, ensure the rule of law through democratic institutions, use debt relief to alleviate poverty, and eliminate corruption.

20. Mr. MELIN (International Save the Children Alliance) said that fiscal policies had a direct impact on children and the implementation of policies and plans that affected children's rights should be costed and factored into national and local budgets. Recent studies in seven countries had shown that, even where policy decisions had been taken on the rights of the child, those commitments were not fully translated into State budgets. In Peru, for example, despite government efforts to increase social spending on children, indicators showed that not all children had benefited equally. In addition, owing to a lack of information on actual expenditure on children, it was difficult to analyse the impact of budget allocations. In Sweden, the negative effects on children of the 1990s budget cuts could have been mitigated had there been an accessible overview of the resources allocated to children in the national and local budgets. An annex should be attached to Sweden's State budget analysing the extent to which it reflected national and local policies on children's rights.

21. His organization called on the Commission to urge Governments, inter alia, to specify what proportion of the State budget was allocated to children's rights and what proportion was actually spent on children's rights, and to ensure that the resources allocated in the budgets reached marginalized children.

22. Ms. BONNER (International Baccalaureate Organization) said that the International Baccalaureate (IB), which had been in existence for over 30 years, was accepted by most countries as equivalent to their national diplomas for university entrance. Critical thinking and decision-making, mutual understanding, conflict solving and human values were fundamental elements of IB programmes and ongoing social service in the community was a requirement.

23. IB had currently reached about 40 per cent penetration in State schools, giving the next generation a good chance of being able to build a better world. Her organization hoped that, in line with the UNESCO plan for free compulsory primary education for all by 2015, more Governments would introduce IB into State schools. Refugees' and migrants' children in particular, and orphans in the developing world, had much to gain from such a multicultural and multilingual educational experience. She called on the Member States to help spread the IB philosophy of mutual understanding and respect so that future generations could live in peace and security.

24. Mr. REDEGELT (International Movement ATD Fourth World) said that, as the Millennium Declaration had recognized, extreme poverty was to be considered a denial of human rights and human dignity in the same way as slavery or torture. However, there was still a wide gap between the aspirations of the various international human rights instruments and the intolerable poverty experienced by millions of people.

25. The existing instruments did not refer directly to extreme poverty and the international community should issue an unambiguous declaration that such poverty was a violation of all human rights. Extreme poverty should be defined not as a lack of a given guarantee of existence but as a vicious circle of precariousness which affected all rights, since all human rights were indivisible and interdependent. A declaration on human rights and extreme poverty - possibly leading to a convention - formulated in consultation and partnership with the poorest of the poor, would be an instrument enabling the poor to rise out of poverty, exercise their fundamental rights and assume their responsibilities.

26. Mr. LIYANAGE (Asian Legal Resource Centre) urged the Special Rapporteur on the right to food to consider, as a matter of priority, conditions in Myanmar, where there was ample evidence to suggest that the Government was systematically denying food to the civilian population. The armed forces were destroying food stocks and crops and relocating civilian communities. An international commission should be established to examine the man-made food security crisis in Myanmar.

27. The international community should provide financial and technical assistance to ensure that the Government of Cambodia upheld the right to health. The health-care system had been undermined by a lack of funding, leading to corruption and public distrust of doctors and hospitals. Doctors earned around US$ 15 per month. Only 14 per cent of the country's medical personnel were based in rural areas, where 87 per cent of the population lived. In Sri Lanka, there were fears that a new water resources policy, details of which had not been released to the public, could result in the poor being denied access to water. Open debate was essential in order to formulate a sustainable, equitable water-distribution policy.

28. Lastly, he urged the Commission to adopt the draft resolution on economic, social and cultural rights, including the establishment of an open-ended working group on an optional protocol to the Covenant.

29. Ms. KEHL-LAUFF (International Alliance of Women) said that her organization strongly supported the efforts of the Special Rapporteur on adequate housing to make gender discrimination in housing and land rights a priority issue. It also supported the draft resolution sponsored by Mexico on women's equal ownership of, access to, and control over land and equal rights to own property and to adequate housing.

30. Although women's land rights had been on the international agenda since the adoption of the Nairobi Forward-looking Strategies for the Advancement of Women in 1985, some Governments were not yet aware of the importance of the issue. Along with violence against women and children, women's lack of land or ownership rights was one of the causes of the feminization of poverty. Her organization thus encouraged a close dialogue between the Special Rapporteur on adequate housing and the Special Rapporteur on human rights and extreme poverty, and requested both of them to provide technical advice not only to Governments in the area of legislation but also to international and national organizations working on social and economic development.

31. Ms. KWEITEL (Center for Economic and Social Rights) said that the lack of an optional protocol to the International Covenant on Economic, Social and Cultural Rights was fundamentally inconsistent with the international community's commitment to the indivisibility of human rights. Such a mechanism would be of vital importance to victims of violations of those rights in countries without adequate legal remedies. The arguments against the justifiability of economic, social and cultural rights had been refuted time and again, most recently at a workshop on the subject organized in February 2001 by OHCHR and the International Commission of Jurists, with the financial support of the Government of Finland. The local courts in many countries had recognized their justiciability and regional mechanisms already existed under such instruments as the 1995 Additional Protocol to the European Social Charter, the San Salvador Protocol and the African Charter on Human and Peoples' Rights.

32. Her organization therefore urged the Commission to establish an open-ended working group on the topic and to ensure that consideration of a draft optional protocol was included in the agenda for its next session.

33. Ms. LAROCHE (International Federation of Human Rights) said that, in the context of the forthcoming WTO Ministerial Conference in Qatar, the proposal to launch a new round of negotiations had reopened the debate on the impact of trade liberalization on the exercise of fundamental human rights. Despite the adoption of the 1993 Vienna Declaration and the fact that the vast majority of the States members of WTO had ratified the international human rights instruments, in WTO human rights were still regarded merely as a cover for protectionism or so many obstacles to trade liberalization. His organization condemned the hypocrisy of States that, on the one hand, ratified international human rights instruments and, on the other, made trade commitments that jeopardized the exercise of the rights protected by those instruments.

34. It called on the Commission to follow the examples of the Committee on Economic, Social and Cultural Rights, which had sent a statement to the third WTO Ministerial Conference, held in Seattle, and of the Sub-Commission on the Promotion and Protection of Human Rights, which had adopted several resolutions on the impact of trade agreements on the effective

exercise of human rights, and send a clear message to the States members of WTO that trade negotiations must not set market forces above the values shared by all humankind, chief among which was respect for the human rights of all.

35. Ms. Filip (Romania), Vice-Chairperson, took the Chair.

36. Ms. PARKER (International Educational Development Inc.) said that the politically motivated sanctions against Iraq were illegal, inhumane and morally bankrupt and violated not only the applicable humanitarian law but also the Charter of the United Nations and all human rights instruments. They also failed the six-prong test described in a Sub-Commission working paper by Mr. Marc Bossuyt (E/CN.4/Sub.2/2000/33, paras. 41-47). The sanctions had caused the death of more than 2 million Iraqi civilians, while hundreds of thousands were suffering serious malnourishment and related problems. In addition, they prevented even minimal medication reaching those suffering from medical conditions caused by the depleted uranium in weapons used during the Gulf War - including children born with deformities and disabilities.

37. The United Nations and the people of Iraq were being held hostage by a single Government, which insisted that its own economic and political interests took precedence over all humanitarian and human rights law. The rest of the international community acquiesced in that view by accepting that all nations were equal but some were more equal than others. Her organization supported the work of the Special Rapporteur on the situation of human rights in Iraq and thanked him for his compassionate review of the situation. It urged the Special Rapporteurs on the right to food and on toxic waste also to investigate the situation. Lastly, she called for all sanctions against Iraq to be lifted immediately.

38. Ms. CALDERIN (Federation of Cuban Women) said that, although a woman's right to choose motherhood or abortion was often strongly defended as a basic sexual right, the same did not always apply to a mother's right to protection and family planning. According to the WHO, 500,000 women died every year from complications in pregnancy.

39. Cuba's health indicators were comparable to those of the developed countries. Life expectancy was 72.94 years for men and 76.90 years for women. With a gross reproduction rate of 0.77 children per woman, Cuba's fertility rate was one of the lowest in the world and, in 2000, 99.9 per cent of births had taken place in health institutions: a reflection of Cuba's high level of social development and its progress in women's education and the right to health. Since its inception in 1960, her organization had run family planning and reproductive health programmes in the community, in order to prevent unwanted pregnancies, encourage the effective use of contraception and promote responsible sexuality.

40. All that had been achieved despite the United States' unilateral coercive measures against the Cuban people, and her organization supported the responses submitted by the Cuban Government pursuant to Commission resolution 2000/11.

41. Mr. PRADHAN (Rural Reconstruction Nepal) said that the situation of economic, social and cultural rights of the Nepali-speaking Lhotshampas, who practised Hinduism and lived in southern Bhutan, continued to give cause for concern. Their dress, language and culture had

been banned since 1988, under the "one-nation, one-people" policy. Land belonging to those who were living in exile in Nepal had been distributed to other Bhutanese from the north and the east, following population transfers aimed at destroying the southern Bhutanese culture.

42. Referring to the Chairman's statements made on behalf of the Sub-Commission on the Promotion and Protection of Human Rights in 1998 and 1999, he said that the verification process had begun on 26 March 2001, but was far too slow to deal with the large number of families involved. In the meantime, the refugees had not been told whether they would be able to go back to their places of origin when they returned or whether their economic, social and cultural rights would continue to be curtailed under the "one-nation, one-people" policy. He urged the Commission to take steps to ensure that the ban was lifted and that resettlement in southern Bhutan was halted in order to protect the land rights of the refugees.

43. Mr. SHOAIB (International Human Rights Association of American Minorities) said that the most disturbing violations of economic, social and cultural rights occurred as a result of foreign occupation or armed conflict, and the Commission should address them as a matter of priority. One example was the Indian Government's policy towards the Kashmiri people, who had been compelled to do without the basic necessities of life so that the needs of the 700,000 occupying troops could be met. Those who were dependent on the tourist trade were suffering particular hardship, and Kashmiri children's education had been badly affected, in part because security forces monitored teachers' work on the pretext that nationalism and militarism were being taught. Economic, social and cultural rights could not be realized unless the international community treated such violations with the same sense of urgency as violations of civil and political rights.

44. Ms. JAMPA (International Union of Socialist Youth) said that, despite China's claims to have poured money into Tibet over the past 50 years, there was little evidence to suggest that the situation had improved for Tibetans, whose lives were dominated by problems of poverty and basic subsistence. The contrast between urban and rural areas was particularly stark: total household spending in urban areas - where most Chinese settlers lived - was ten times the rural level and growing at twice the rate. Tibetans spent only a fraction of what the Chinese settlers spent on health and education, for example, and wages in Lhasa were the highest in China.

45. A discussion of the realization of the right to development in Tibet was timely and necessary. China's human rights strategies had continually focused on the right to development, but the term "development" had become merely a metaphor for the supposed contrast between the "new" Tibet and the "old" Tibet of the pre-Communist dark ages. In fact, China's development strategy in Tibet had resulted not in a healthy economy but in one entirely reliant on large government subsidies, a classic pattern of control and colonization. The question the international community must ask was, what had been developed, and for whom?

46. Mr. WEI Jingsheng (Transnational Radical Party) said that only a very small minority of Chinese citizens had benefited from the economic reform programme introduced 20 years previously. The increase in material wealth had been greatly exaggerated. Under a system of equal distribution, the living standards of all Chinese would rise. However, only 1 per cent of the 400 million people living in China's cities could be considered wealthy while in the rural

areas, where two thirds of the population lived, an illegal system of hundreds of taxes meant that most of the revenue from agricultural production went into the pockets of local administrators, with other members of the community surviving on extremely low or unstable incomes.

47. Unequal distribution persisted because the Chinese political system did not permit the working class to organize and negotiate with the few who consumed all the resources. The Government continued to support policies that did not respect political rights: thousands of ordinary citizens were in prison. Thus, although the Government had signed the International Covenant on Economic, Social and Cultural Rights, the development of those rights was severely handicapped.

48. Ms. CARCANO (Women's International Democratic Federation) said that government cutbacks in social services expenditure in response to the economic crisis and to neoliberal globalization and structural adjustment processes were having a serious impact in areas of State responsibility such as education, health and a satisfactory standard of living for all. Her own organization had helped eliminate illiteracy among women in many parts of the world and raised their level of education. Yet many countries still did not have sufficient means to guarantee education and health for all.

49. It was difficult to understand how her own country - Cuba - could be accused of violating human rights. Despite a 40-year economic embargo by the United States of America, social rights such as the right to health, education and social security, and cultural rights, were guaranteed to all without distinction based on race, gender, political conviction, religion or sexual orientation. Cuba's social and health indicators were among the top three in Latin America: it had attained the objective of health for all by the year 2000, and illiteracy had been eradicated 40 years previously.

50. Mr. PUNJABI (Himalayan Research and Cultural Foundation) said that the biggest obstacle to the realization of social and cultural rights was the desire to homogenize societies on the basis of thought or religion. That was particularly the case when the State was an agent of the process. The international community should censure States that sought to impose a culturally homogeneous paradigm based on a distorted version of religion, fanaticism and intolerance.

51. It was essential to establish a complaints procedure, of a non-compulsory nature. The progressive development of standards by which to judge States' success in implementing the Covenant would strengthen efforts to realize those rights, and he welcomed the Commission's practical initiative in inviting States, intergovernmental and non-governmental bodies to comment on the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol to the Covenant. However, he urged the Commission to look into the situation of cultural rights, which appeared to have been relegated to the background.

52. Although the Commission's pioneering work in sensitizing States had resulted in virtually universal implementation of the right to education, it should examine the content of education in different parts of the world. Education in some South Asian States, for example, was undermining the diversity of ethnic and cultural groups and even promoting xenophobia, gender bias and cultural apartheid.

53. Ms. PROUVEZ (International Commission of Jurists) said that globalization meant that economic, social and cultural rights had more than ever to be understood as an indivisible part of human rights, and that entailed recognition of their justiciability at the national, regional and global levels. Referring to document E/CN.4/2001/62/Add.2, she said that case studies presented to the Workshop on the justiciability of economic, social and cultural rights, organized by OHCHR and her organization in February 2001, had shown that such recognition had been achieved at both the domestic and the regional levels.

54. Throughout the Workshop, experts had stressed the need to place a renewed emphasis on economic, social and cultural rights, which were currently suffering from certain aspects of liberalization, market economics and globalization. With so many other international complaints mechanisms currently in operation, there could no longer be any justification for blocking the adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. The majority of participants in the Workshop had endorsed the establishment of an inter-sessional open-ended working group to study the draft optional protocol and it had been concluded that the question was primarily a political one. The high level of government participation in the Workshop was proof of the importance attached to the matter. It was for the Commission to decide on the next step. Her organization hoped it would heed the calls to establish a working group.

55. Mr. BHAN (Indian Council of Education) said that his organization was deeply concerned at the support given by some Member States to puritanical religious fundamentalist groups that imposed narrow social norms against the collective will. In the Indian State of Jammu and Kashmir, for example, Pakistani fundamentalist terrorist groups had systematically targeted secular, modern schools and warned parents not to send their children there. As the schools had closed, religious seminaries or madrasas had sprung up in their place, teaching hatred and intolerance and forcing young boys to take up arms in the cause of the new religious order. According to press reports, terrorist groups also recruited in government schools in Pakistan, without protest from the military regime. Girls in Jammu and Kashmir, too, were denied their economic, social and cultural rights, being threatened or assaulted if they did not wear veils.

56. Entertainment was highly restricted and tourism and handicrafts were suffering: tens of thousands of people who had been involved in the famous Kashmiri carpet and shawl-weaving industries had been compelled to migrate to safer places and cease their work. The Pakistani fundamentalists were intent on destroying traditional Kashmiri society, which was a tolerant, multicultural, composite culture.

57. The international community must understand that the origin of the problem lay in the madrasa culture of Pakistan and Afghanistan, which had created the Taliban and was spreading to other parts of the world. His organization urged the Commission to set up a working group to study the madrasas in Pakistan and to request the Government of Pakistan to close down those that taught terror and hatred of other societies.

58. Mr. KHAN (International Institute for Peace) said the common perception of Islam as responsible for the denial of people's economic, social and cultural rights was due to a distortion of its message, which was humane and progressive. Islamic countries lost credibility when they

sought to defend at all costs a range of social, economic or political actions that were perceived as Islamic. It was important to assess each specific action rather than to take the easy option of a generalized defence invoking the idea of "Islamophobia".

59. The Taliban's recent demolition of statues of the Buddha in Afghanistan, for example, had been carried out in utter disregard of the feelings of those of a different faith, but instead of condemning the Taliban claim that the action was consistent with Islam, several Islamic countries, including Pakistan, had merely appealed against the destruction of the statues. Those who talked of "Islamophobia" should consider how to deal with such elements on their own doorstep. Islam should draw inspiration from its past but should not try to replicate the living conditions of the past in a changed world.

60. At the time of its creation, Pakistan had been a relatively secular State, as could be seen from its first Constitution. However, since then religious forces had gained ascendancy, mainly because of the war in Afghanistan and the need of successive military Governments for some kind of democratic legitimacy. As a result of pressure from the fundamentalists, Governments had made concessions leading to the denial of economic, social and cultural rights. Blasphemy laws caused untold misery to non-Muslims; Sharia courts had the power to overrule any existing political, economic, social or cultural rights; and women's rights were restricted in violation of international human rights law. Such retrograde measures further increased the intolerance to be found in some sections of Pakistani society, which was already accentuated by the lack of a democratic system.

61. Mr. MARQUEZ (Andean Commission of Jurists) said that Colombia was the country that was suffering most from the political and social crisis afflicting the countries of the Andean region. The reason was the political, criminal, paramilitary and drugs-related violence that for years had been eroding Colombia's democratic institutions. Despite the Government's agreement to continue the peace process, the human rights and humanitarian situation was still very serious. It was necessary to evaluate the implementation of the military component of Plan Colombia, which could have an adverse impact on the effectiveness of alternative development programmes because its parameters were inconsistent with those applied in other components of the Plan.

62. For example, there was little point in promoting particular products or rehabilitating areas with a fragile environment if armed conflict and human rights abuses against vulnerable groups intensified as a result of an increase in military actions. The armed conflict disrupted the distribution of basic commodities and services and created social problems such as internal displacement, which in turn created a need for sanitation, education and housing. Some 400,000 persons had been displaced since 1995 and the eradication of illicit plantations envisaged under Plan Colombia was therefore extremely worrying, since it would probably compel millions more to leave their homes.

63. That could be highly prejudicial to Colombia's social and economic development and thus to the realization of economic, social and cultural rights, particularly for women, who formed the great majority of displaced persons. The problem also had a regional dimension, since the neighbouring States were incapable of dealing with a growing population of refugees from Colombia.

64. It was essential therefore that international community and human rights protection bodies such as the Commission should follow closely the development of Plan Colombia . The positions they adopted would help the other Andean States to take action to meet their international obligations to guarantee the well-being of the population and the stability of the region, thereby consolidating peace, democracy and full respect for human rights.

65. Ms. OLIVER (European Union of Public Relations) said that every shot fired at the statues of the Buddha in Afghanistan had been a shot at a people's right to their cultural heritage. Attempts had been made in Pakistan to justify the statues' destruction as a response to the sanctions imposed on the Taliban by the international community. In reality it had been one more manifestation of an ideology endorsed by obscurantist elements in Pakistan, including members of its establishment.

66. Given the religious, cultural and social diversity of humankind, individual and group aspirations needed the cocoon of State and societal guarantees, particularly in multi-religious and multi-ethnic societies. The imposition of an ideology alien to a particular group was a threat to that group's economic, social and cultural rights and prevented it from engaging in productive endeavour to the benefit of society.

67. The new threat came from terrorism grounded in obscure, fundamentalist beliefs, which sought to overthrow established orders where groups had managed to secure a recognized place in social and economic life. What was needed was a concerted response to such depredations. Debate was useful but had little relevance without the backing of effective action on behalf of those whose lives and rights were hostages to violence and intolerance.

68. Mr. GUPTA (International Institute for Non-Aligned Studies) said that the arbitrary division of civil and political rights from economic, social and cultural rights had proved detrimental, since the realization of economic, social and cultural rights was vital to the effective exercise of civil and political rights. In the face of the crisis facing African and Asian countries, for example, it was most regrettable that some leaders had incurred massive debts in order to buy military equipment to repress their people. His organization requested the Commission to call for the immediate cancellation of military contracts and a ban on military aid to non-democratic Governments.

69. It was high time that economic policy took account of the interests of local and indigenous populations rather than being based on foreign investment projects that destroyed natural resources and the livelihood of those who owned and managed those resources. The Commission's working groups should suggest ways of reducing the gap between rich and poor within countries and between the countries of the North and the South. Every country should be able to provide its citizens with food, education and health and the developed countries should provide basic technology to the developing countries to that end. All development packages should include the development and empowerment of women.

70. Mr. TEHRANI (Organization for Defending Victims of Violence) said that globalization was a consequence of the spread of telecommunications technology, which had shrunk the world. Its positive effects included greater cooperation, interaction, tolerance, flexibility and pluralism, but there were serious concerns about the way it increased structural conflicts, identity

crises and economic inequality and regarding its violent aspects such as trafficking in women and drugs, international terrorism and international criminal activity. His organization suggested that the Commission should appoint a special rapporteur on globalization and its impact on the full enjoyment of all human rights.

71. The third world was particularly vulnerable. The removal of barriers to the movement of capital had increased the gap between rich and poor nations, with an increasing risk that a global underclass could emerge. The third-world countries should try to increase their resistance to the risks of globalization by relying more on domestic resources, basing their policy-making and planning on an evaluation of international conditions and paying more attention to the new information technologies.

The meeting rose at 9 p.m.

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Fifty-seventh session

PROVISIONAL SUMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on 4 April 2001, at 10 a.m.

Chairperson: Mr. ESPOUY (Argentina)

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS (*continued*)

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GE. *0102450*

ENG

The meeting was called to order at 10.10 a.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (*continued*) (E/CN.4/2001/8, 10, 49-53, 54 and Add.1 and Corr.1, 55 and Add.1, 56, 57, 62 and Add.1-2, 123 and 148; E/CN.4/2001/NGO/1, 4, 14, 15, 26, 30, 58, 60, 63, 80, 82, 103-106, 108, 109, 125, 131, 148, 154, 166 and 186; E/CN.4/Sub.2/2000/13, E/CN.4/2000/33)

1. Ms. LIZIN (Independent expert on the question of human rights and extreme poverty), stressing the importance of the comments made the previous day, particularly those by the representatives of the European Union, Madagascar, Pakistan and Cameroon, and by the representative of the World Bank, who had analysed the role of that institution in the fight against poverty, said that she hoped that the analysis initiated would be continued and that the International Monetary Fund (IMF) would follow the World Bank's example.

2. Several non-governmental organizations (NGOs) had mentioned the importance of inheritance rights and land rights in general, especially for women. That issue would be taken up in detail in the report to be presented at the fifty-eighth session.

3. She thanked the Holy See for introducing the human element into its analysis of extreme poverty, a question that could not be dealt with in quantitative terms alone. She also stressed the importance of the comments made by the International Save the Children Alliance and the International Alliance of Women.

4. Finally, she drew attention to the role played by the International Movement ATD Fourth World in establishing guidelines for the fight against poverty and hoped that the final resolution adopted on that question would take account of those guidelines.

5. Mr. ZIEGLER (Special Rapporteur on the right to food) said that he thanked all those who had offered criticisms or suggestions on his report or who had expressed their support. He made special mention of the comments by the representatives of the European Union, Switzerland, Algeria, the Food and Agriculture Organization of the United Nations (FAO), the World Food Programme (WFP), the International Committee of the Red Cross (ICRC) and several NGOs, and assured them that their opinions would be taken into account.

6. His report had drawn criticism from the representative of the World Bank, who had spoken of a "lack of analytical rigour". He could not accept such a judgement. He pointed out that his role as Special Rapporteur was very different to that of a high-level economist representing the World Bank. His task was to reflect the concerns of civil society represented by NGOs and to bring those concerns to the attention of the international community. Some NGOs, such as Action against Hunger, took a position very different from that of the World Bank.

7. Summing up, he said that for NGOs there were two main contradictions between the Bretton Woods institutions and the other organizations in the United Nations system. The first contradiction was between WFP and IMF. While WFP provided food for 89 million human beings, IMF imposed upon countries structural adjustment programmes that imposed unacceptable criteria, such as increasing the number of plantations for the purpose of export so as to increase foreign exchange revenue and improve debt service. In some specific instances, IMF had contributed through its structural adjustment programmes to increasing undernourishment and even malnutrition. In that context, he mentioned the report on Zambia, which had been presented during the recent Third Expert Consultation in Bonn in preparation from the upcoming Rome Summit.

8. The second contradiction stressed by NGOs was between FAO and the World Trade Organization (WTO). FAO performed outstanding work in developing agriculture, whereas, for reasons of a structural nature, WTO unthwarted the effects of FAO's policy by accepting that industrialized countries should close their markets to exports from countries of the South, subsidize their own food exports to the South or provide considerable support for their own farmers. In that way too, WTO served to generate hunger in the world. That contradiction had been demonstrated by the work of several social movements.

9. He stressed the absolute necessity for cooperation with the Bretton Woods institutions. As the representative of Algeria had rightly pointed out, official development assistance (ODA) had dropped by 500 million dollars in the space of nine years. At the start of the year, the United Nations Conference on Trade and Development (UNCTAD) had published two reports indicating that aid by rich countries had decreased by 45 per cent in the previous ten years. At the same time, private investment in the 49 poorest countries had decreased by 32 per cent. Because of the reduction in investments and ODA, the Bretton Woods institutions had come to play a major role for those countries.

10. By adopting the previous year resolution 2010, establishing the right to food, the international community had recognized it as a basic right. Only the Bretton Woods institutions would be in a position in future to set the conditions for the granting of funds. It was therefore up to them to make the right to food an essential element of conditionality. In its dealings with developing countries, IMF should make recognition of that right a basic condition for granting the funds needed by those countries.

11. Mr. QURESHI (Afro-Asian People's Solidarity Organization), referring to the economic and social conditions prevailing in many developing countries such as Pakistan, Bangladesh, Indonesia, Sudan, Ethiopia and Afghanistan, said that the economy of those countries was in such poor health that they could not devote adequate resources to social development. According to the Human Development Report of 1999, illiteracy among women in Asian and African countries was very high: in Pakistan some 32.25 million women had never attended school. There was also a problem of bonded labour in South Asia. According to the International Labour Organization (ILO), there were several million bonded labourers in Pakistan, especially in the provinces of Sindh, Punjab and Baluchistan. The laws were ineffective to deal with the problem because employers and the majority of landowners had a powerful influence in political and economic circles. The ruling class in Pakistan was composed of the élite of Punjab, the only province to reap the benefits of prosperity. Poor people from other regions had to go to cities in Punjab to work and barely earned one US dollar for a ten-hour day.

12. In a society with such glaring inequalities, where the rich were immensely rich and the poor were desperately poor, economic, social and cultural disparities were firmly entrenched, which gave little hope that the most disadvantaged could enjoy their economic, social and cultural rights, let alone their civil and political rights.

13. Referring to the cultural rights of linguistic minorities in pluralistic societies, he said that in Pakistan Sindhi, the language spoken in Sindh, had been marginalized to such an extent that its survival was threatened. The State-controlled media provided less than half an hour a day of Sindhi broadcasts. Schools were systematically shut down throughout the province, especially in urban areas, thus widening the gap between rural and urban populations, a gap which had been a central factor in many social conflicts in the province, resulting in the deaths of tens of thousands of people. Federal policies had only increased the divide between rural and urban areas. Furthermore, the State was engaged in pan-Islamic propaganda, which systematically threatened Sindhi Sufi thought, a more secular tradition than orthodox Islam. The suppression of Sindhi culture and the

dominance of a State-imposed way of life had created a sense of hopelessness among the Sindhi people. The Commission should insist that the Government of Pakistan recognize the right of the Sindhi people to their own language.

14. Mr. YANGKEY (International Fellowship of Reconciliation) said that he welcomed China's ratification of the International Covenant on Economic, Social and Cultural Rights but remained concerned at its reservation on article 8 of that Covenant. The right to form and join trade unions was closely linked to the right to freedom of association. Like the right to strike, it was a fundamental right for workers and should be fully respected.

15. Since China invaded Tibet in 1949, the Tibetan people had repeatedly been victims of deliberate violations of their economic, social and cultural rights. From 1949 to 1976, for example, at least 6,000 monasteries, convents and centres of Tibetan education had been destroyed. Agricultural policies based on wheat production instead of traditional barley had resulted in widespread famine in the 1960s. The forests of eastern Tibet, now incorporated into Sichuan province, had been intensively exploited and the State-owned logging companies had cut more than 120 million cubic metres of wood, generating over 2 billion yuan (US$ 241 million) in taxes and profits. Half of Tibet's ancient forests had been largely clear cut and the timber sent to China, which had polluted the main rivers of Asia and caused annual flooding in downstream regions. The situation was all the more dramatic since ten major rivers had their source in Tibet. They and their tributaries played an essential role in the life of 47 per cent of the world population and 85 per cent of the population of Asia. The flooding of the Yangtze river in 1998 and 1999 had affected more than 240 million people and caused thousands of deaths. The waterways of Tibet were polluted by chemical, nuclear and industrial waste: in 1996, 41.6 million tonnes of liquid waste had been discharged into the Kyichu river in Lhasa. Scientists had shown that the environment of the Tibetan Plateau affected global jet streams and hence the world weather patterns. Water pollution, nuclear waste, degradation of grasslands, extinction of wildlife, desertification, soil erosion and landslides were the result of China's presence in Tibet.

16. As far as Tibetan cultural rights were concerned, the literacy rate among children was only 25 per cent and young Tibetans were left in complete ignorance of their culture, religion and history. Female prostitution was on the increase in Lhasa. Chinese enjoyed better recruitment prospects and literacy in Chinese was a prerequisite for most jobs, hence the increase in unemployment among Tibetans.

17. A World Bank project aiming at reducing poverty in western China called for the resettlement of a large number of Chinese in a Tibetan area. The project had caused an outcry and had not been approved. However, China included 2.5 million square kilometres of Tibetan territory in its "western development programme". There was a proposal for a pipeline to carry natural gas from Tibet to China, which would be of benefit only to the Chinese. Foreign investments and partnerships would play a vital role in that development policy, whose aim was to exploit Tibet's untapped natural resources for China's exclusive benefit, and for that reason the policy was vigorously opposed.

18. Ms. FARHA (Centre on Housing Rights and Evictions) said that Commission resolution 2000/13 entitled "Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing" was a landmark resolution for women. The right to property, adequate housing and inheritance was essential to the livelihood and survival of women and of whole communities. How could a woman provide for herself and her children if access to property, housing and inheritance was made so difficult, if not impossible? Her organization therefore urged the Commission to reaffirm the resolution and to strengthen its provisions. The resolution was based on three principles. First, the right to adequate housing was a right recognized

in international human rights instruments. Second, under international law States were required to protect women against all forms of discrimination. Third, the Commission should continue to refer to resolutions adopted by the Commission on the Status of Women and other relevant Economic and Social Council organs. The draft resolution sponsored by Mexico took account of those three principles and she therefore urged the Commission to adopt it.

19. Her organization also recommended that the Commission adopt the draft resolution on the right to adequate housing sponsored by Germany, the draft resolution on the right to food sponsored by Chile and the draft resolution on the right to education sponsored by Portugal. It also asked the Commission to ensure that those resolutions took account of the perspectives and experience of women.

20. Finally, it urged the Commission to recommend the convening of an open-ended working group to draft the optional protocol to the International Covenant on Economic, Social and Cultural Rights.

21. Mr. WAIDANDEY OLIVER (World Federation of Trade Unions) said that democracy was the only system capable of creating the structures required to ensure quality of opportunity for all without discrimination. Unfortunately, there were political systems in the world that invoked religion, for example, as a pretext for reducing some segments of society to second-class citizens, preventing them in particular from exercising their economic rights. Now that colonial systems, which gave rise to injustice, had been abolished, some societies were creating political classes that perpetuated the inequalities of the past instead of promoting equality and social mobility.

22. There were two countries that had made considerable progress in that area. The United States of America, recognizing the importance of measures to help disadvantaged groups, had contributed a good deal to improving the lot of minorities. India, the speaker's own country, had fought since its independence to ensure social equality for all, as exemplified by the empowerment of the Dalits, his own caste. In spite of the lacunae in the implementation of the programmes, India had indubitably succeeded in achieving progress in society and increasing social mobility and equality of opportunity for some previously oppressed groups.

23. The cultural heritage of the various social groups represented an enrichment for all. Unfortunately, the fundamentalism that predominated in some countries aimed at homogenizing society, prohibiting entire communities—as in the case of the Ahmediyas in Pakistan—in Pakistan—from pursuing their way of life. The same intolerance prevailed in Afghanistan, where the Taliban were destroying the vestiges of an ancient culture.

24. It was essential to protect the right to diversity and, in that connection, to guard against the tendency by the international community to lump different issues together. It was not by labelling everything racism that the fate of the Dalits in India, the Roma, or the Hutus or Tutsis of Africa would be improved. Education and awareness were the only way to end discrimination. Each individual State should identify the type of programme required for that purpose, while the international community should determine whether nations that professed democracy actually possessed the constitutional, legal and institutional structures to ensure equality.

25. Mr. RICKARD (Robert F. Kennedy Memorial) said that he was very concerned at the denial of the right to education in the occupied Palestinian territories. As the High Commissioner for Human Rights had noted in the report of her visit to those territories, more than 40 Palestinian schools had been closed or were unable to operate owing to curfews or closures. Israel had the right to ensure its security, but that right did not authorize it to take action whose consequences were so damaging to Palestinian children. Curfews should be imposed only in extreme circumstances and never as a

punitive measure. Israel, which had ratified the International Covenant on Educational, Social and Cultural Rights, should take every possible measure to ensure that the right to education of Palestinian children was respected. For its part, the Palestinian Authority should ensure that corruption and cronyism did not interfere with the exercise of that right.

26. Discriminatory practices in education were rampant in other parts of the world. For example, although the Indian Constitution called for free and compulsory education for all children up to the age of 14, children belonging to the Dalit caste were subject to flagrant discrimination, with the result that the illiteracy rate was much higher among the Dalits than in the remainder of the population. Dalit children left school earlier than others in part because they had to work to supplement the family income, but also because they were ill-treated by teachers and fellow pupils. Moreover, recent budgetary allocations demonstrated that India was more interested in higher education than in primary education or literacy among the poorest of its citizens. The Dalit community was the first to suffer from that state of affairs. His organization called on the Indian Government and on other governments with Dalit populations to respect the right of education for all citizens, as demanded by the International Covenant on Educational, Social and Cultural Rights. It also stressed the need for an optional protocol to that Covenant and urged Member States to join the Government of Portugal in recommending the establishment of an open-ended working group to draft such a protocol.

27. Mr. SECADE (Centro de Estudios Europeos) said that WTO eulogized neo-liberal globalization and joined forces with IMF and the World Bank in suppressing anything that stood in the way of world domination by transnational companies. Developed countries used the human rights issue to restrict access by developing countries to their markets and new technologies, to cut back development aid and to exert pressure on those countries to open up their own markets. The way in which industrialized countries applied intellectual property agreements was contrary to the right to life and the right to food of millions. By asserting intellectual property rights, they prevented developing countries from making generic drugs to fight the AIDS pandemic. His organization believed that the Commission on Human Rights should adopt a resolution clearly stating that human rights had absolute priority over intellectual property rights. It should ask the United States of America to withdraw the complaint against Brazil that it had registered with WTO and should demand that the 39 international pharmaceutical laboratories refrain from taking legal action against South Africa.

28. His organization welcomed the working paper drafted by Mr. Bossuyt on the deplorable consequences of economic sanctions on the enjoyment of human rights. It confirmed that the blockade of Cuba by the United States for more than 40 years was a violation of the basic rights of Cubans and showed that such practices were contrary to the sovereign rights of the targeted countries. All countries should be aware of the consequences for the civilian population of coercive measures, whether multilateral or unilateral.

29. His organization had been surprised by the paper distributed by Pax Christi International concerning the human rights situation in Cuba. It regretted that that organization had let itself be manipulated by its section in the Netherlands which, in 1996, had agreed to collaborate with the United States of America in establishing a European non-governmental platform aimed at hindering the development of cooperation between Europe and Cuba.

30. Mr. HILMAN (Netherlands Organization for International Development Cooperation) said that the slowness of economic recovery in Indonesia was due to two interrelated factors: the plunge in the rupiah exchange rate and the lack of public confidence in the Government. The Government had tried to relaunch the economy by soliciting additional loans from IMF and the World Bank but had paid no attention to the absence of social justice and respect for human rights in Indonesia.

Violations had remained unpunished in East Timor and Aceh province, while other violations continued to be committed in other regions. Corruption and rivalry between the legislative and executive branches exacerbated political tensions and jeopadized Indonesia's stability.

31. The Indonesian Government had little interest in citizens' rights, particularly their economic and social rights. Workers were not protected against unethical dismissal. The health of women and children was deteriorating because of the lack of care facilities, due in turn to a reduction in the health budget. The cuts in the education budget had also increased the school drop-out rate. The crisis situation had particularly serious consequences for women, Indonesia being based on a patriarchal society. Those who tried to defend their economic rights, in particular the right to a decent standard of living, were severely punished by the Government.

32. For that reason, his organization called on the Commission to urge the Indonesian Government to ratify the International Covenant on Economic, Social and Cultural Rights immediately and to scrupulously respect the rights enshrined in it; to pay particular attention to the impact of economic restructuring on the exercise of economic and social rights; to take specific action to combat impunity and corruption and to put an end to human rights violations in conflict areas and the workplace; and to seek solutions to restore stability to the country, regain public confidence and ensure respect for the Indonesian people's economic, social and cultural rights.

33. Mr. RAJKUMAR (Pax Romana) said that macroeconomic policies had a different impact on men and women, with women being the principal victims of financial crises and policies that reinforced inequalities. As the Independent Expert Mr. Cheru pointed out in paragraph 35 of his report (E/CN.4/2001/56), desired social and human rights objectives, such as equity or meeting basic needs, needed to be central to macroeconomic policy-making if a people-centred development or rights-based approach to development was to be promoted. As for the right to food, in his report (E/CN.4/2001/53) Mr. Ziegler, Special Rapporteur on the right to food, had identified seven major economic obstacles that hindered or prevented the realization of that right. Member States should revisit their policies if they wanted to regain food sovereignty, and multilateral institutions needed to reaffirm their commitment to the realization of economic, social and cultural rights.

34. A number of studies on the links between trade liberalization, food security and poverty had shown that there would be more losers than winners under globalization. The WTO Agreement on Agriculture, signed in 1994, and the World Bank's structural adjustment programmes had led a number of countries of the South and countries in transition to make significant changes in their food and agricultural policies, such as privatization of enterprises, the elimination of subsidies and the removal of price controls. Women, who produced 60 to 70 per cent of food in most African countries, had suffered considerably from the elimination of subsidies and the increase in food imports as a result of trade liberalization.

35. The growing number of homeless persons was another issue that deserved the full attention of the international community, because such persons could not in most cases exercise their civil rights, nor could they seek work, send their children to school or enjoy a harmonious family life. Furthermore, the most disadvantaged members of society, especially the homeless, were exposed to discrimination and violence, particularly on the part of the State.

36. Pax Romana had taken note of the report by Ms. Ouhachi-Vesely (E/CN.4/2001/55) on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes. The report, which showed the ugly face of globalization, indicated that better global governance and more challenging global ethics were required in managing the environment.

37. Pax Romana approved all of the recommendations proposed by the various Special Rapporteurs and Independent Experts and hoped that they would continue their cooperation with multilateral and international bodies so as to promote sound macroeconomic practices and policies.

38. Mr. DEFAGO (International Movement of Apostolate in the Independent Milieus (MIAMSI), calling for good governance for the whole of humanity, said that he wished to join forces with all those internationally engaged in improving management of the planet. The international community should allow civil society, particularly where it represented the poorest groups, to participate in the quest for the common good. For that to happen, politics had to regain its precedence over economics. Globalization, which was an inescapable phenomenon, had serious consequences, caused dissatisfaction and, above all, produced silent suffering among vast numbers of people. Market dynamics had been shown to be efficient at producing greater wealth but unable to distribute it fairly. As indicated in document E/CN.4/2001/NGO/26, the members of MIAMSI wished to build a world in which there was more solidarity and would not be content to abandon their responsibility to economic mechanisms in the grip of finance. They could not have a clear conscience when world riches were increasing while the poor were becoming ever more numerous.

39. MIAMSI wondered how economic, social and cultural rights could be respected when WTO took decisions that failed to take account of the fact that States had ratified the conventions which enshrined those rights. In view of the pernicious effects of globalization, MIAMSI called for respect for economic, social and cultural rights and the right to development.

40. It regretted that the reports by the United Nations Development Programme (UNDP) and by experts on that issue had remained a dead letter and called on the Commission to recommend to the Economic and Social Council that it set up an open-ended working group and appoint a special rapporteur to deal with the issue of good governance.

41. Mr. PROVE (Lutheran World Federation) said that there was a widespread assumption that economic interests should prevail over all other considerations. That assumption was incorrect, as had been demonstrated by the practically unanimous condemnation of the decision by the Government of the United States of America to withdraw from the Kyoto Protocol and the outcry provoked by the attitude of pharmaceutical laboratories that tried to prevent South Africa and other developing countries from having access to low price to the drugs needed by their populations. It was therefore apparent that many governments refused to give absolute priority to short-term economic objectives at the expense of more fundamental priorities.

42. Although the basic rights of the most vulnerable communities had often been overridden in the name of economic liberalization, the injustice of that situation had now been recognized. That was not to suggest that liberalization and respect for human rights were necessarily mutually contradictory but rather to point out that human rights obligations were fundamental legal obligations and that the first responsibility of governments was to ensure that they were respected. Efforts should therefore be made to ensure that international economic policies were consistent with human rights obligations.

43. Economic globalization was not an end in itself. Economic policies should promote the achievement of objectives such as improving the standard of living or access to health care and education. All economic policies should take account of human rights obligations. At the present time, the economic sphere was all too often considered in isolation from all other spheres.

44. There were nevertheless some positive signs of an increasing preparedness on the part of some governments to consider the interrelationship between economic matters and human rights.

Mauritius, for example, had been the first country to introduce its human rights obligations into the WTO negotiations.

45. Human rights organizations should encourage that development. Particular mention should be made of the work undertaken by the Sub-Commission on the Promotion and Protection of Human Rights and the Committee on Economic, Social and Cultural Rights in addressing the human rights implications of economic globalization. It was apparent from the various reports presented to the Commission, in particular the reports by the Special Rapporteurs on the right to adequate housing, the right to food and the right to education respectively and the report by the Independent Expert on extreme poverty, that increasing attention was being given to the human rights implications of economic globalization. The various bodies responsible for ensuring respect for those rights should work together to define a credible and constructive approach to that issue.

46. Ms. BOWDEN (Liberation) said that rapid globalization of national economies led to economic and social injustices. The liberalization of markets was often at the expense of too many countries, which found themselves as a result excluded and marginalized. Poverty was growing and constituted a violation of human rights.

47. Peru, where over half the population earned less than a dollar a day, was one example. Another was Colombia, where the current conflict had its roots in the fact that peasants did not own land. The land belonged to a handful of major landowners, and there was a need for genuine agrarian reform that would give peasants the opportunity to cultivate alternative crops and thus protect biodiversity. The peace process in Colombia should be accompanied by capacity-building measures, sustainable development, humanitarian aid and social development.

48. Liberation was extremely concerned at the disastrous consequences of economic sanctions and embargoes placed on certain countries, such as Iraq and Cuba. Those most affected by sanctions were innocent people, especially the poor and, among them, women and children in particular.

49. It recommended that, in accordance with the commitments undertaken at the Millennium Summit, priority should be given to strategies to reduce poverty in the world, economic sanctions and embargoes should be lifted immediately, emphasis should be placed on basic human rights through education on the subject and capacity-building at a national level should be directed to the application of international human rights principles. As Commission resolution 2000/5 (E/CN.4/RES/2000/5) affirmed, the existence of widespread absolute poverty inhibited the full and effective enjoyment of human rights and rendered democracy and popular participation fragile.

50. Ms. LOPEZ (Colombian Commission of Jurists) said that her organization attached great importance to the adoption of an optional protocol to the Covenant on Economic, Social and Cultural Rights, which would put the Covenant on an equal footing with other treaties, strengthen the economic and social obligations of countries and provide victims with recourse in the event of violation of their rights in those areas. The workshop on the justifiability of economic, social and cultural rights, organized recently in Geneva by the Office of the High Commissioner in cooperation with the International Commission of Jurists with financial sponsorship by the Government of Finland, showed the interest of the international community in that issue. Given the evident failure by several countries to honour the commitments set forth in the Covenant, an optional protocol would have the effect of drawing attention to the seriousness of those commitments. The failures were particularly critical in Colombia where violation of economic, social and cultural rights was ever present and resulted in increased unemployment, grave deficiencies in the education system, which excluded 46.78 per cent of the school-age population, and a critical situation in the hospital sector.

51. Her organization appealed to the Commission to set up an intersessional working group to discuss that issue as an initial measure.

52. Ms. CROCKER (Human Rights Advocates), speaking on behalf of the Human Rights Advocates and Natural Heritage Institute, said that the Special Rapporteur was to be commended for her report on the adverse effects of the illicit movement and dumping of toxic and dangerous products and waste. There were a number of facts which, technically, were not covered by the Special Rapporteur's current mandate and yet posed serious threats to health. According to FAO, 30 per cent of pesticides sold in developing countries did not meet international standards. The United States Government had stated that the export of pesticides was beyond the mandate of the Special Rapporteur because it dealt with commercial goods and not hazardous wastes. In other words, according to that narrow interpretation, pesticides banned in the United States could be sold in developing countries in spite of the risks they presented to human health, in particular the development of young children. That was unacceptable. Moreover, the Special Rapporteur should be allowed to continue her investigation into the use of depleted uranium, especially during the Gulf War and in Bosnia. In the latter country, the cancer rate had increased by 300 per cent between 1995 and 1997.

53. Air and water contamination from chemicals had become a global phenomenon. One fifth of the world population lacked access to drinking water largely because of the dumping of toxic waste. At present, 8 million children died each year of diseases caused by water and air pollution. Moreover, industrialized exporting countries claimed the right to export hazardous waste for recycling, thereby exposing workers in the importing countries to health hazards. Unfortunately, the Basel Convention, because of its limitations, did not address the issue of hazardous wastes from the point of view of human rights and for that reason had remained largely ineffective.

54. Human Rights Advocates urged the Commission to reappoint a special rapporteur on that issue with a wider mandate encompassing the adverse health effects of illegal activities by transnational companies. It also recommended that a report be made on the implementation by governments of the Special Rapporteur's recommendations, including explanations of cases where the Rapporteur had been prevented from taking appropriate action. Finally, it would like the Special Rapporteur to carry out consultations on the development of a transnational code of conduct.

55. Mr. ARZUAGA (International League for the Rights and Liberation of Peoples) said that he denounced the seizure by a group of companies including Carlos Casado S. A. and Atenil S. A., which represented the Moon sect, of a large amount of land in Paraguay covering 5,700,000 hectares, an area larger than Switzerland. Under the pretext of conducting a vague "major development project", the said companies had stripped it of its resources and exploited the local labour of the municipality of Puerto Casado. The group's activities had resulted in the social disruption of the local community, its marginalization and the deterioration of its health, education and other infrastructures. Moreover, by virtue of a sales contract, ownership of the land occupied by the people had passed in its entirety to those companies. The people of Puerto Casado, through their elected representatives, had submitted a petition to the Congress of Paraguay requesting the expropriation of an area of less than 160,000 hectares considered to be of public utility and vital for the local population.

56. It was apparent to his organization that the Government of Paraguay had lost sovereignty over its own territory because of the demands placed on it by transnational companies. The lack of sovereignty had also been noted by the Paraguayan Episcopal Conference, which had called on the Congress of Paraguay and the Executive to act rapidly to defend the country against foreign transnational interests. The problem was not restricted to Puerto Casado but concerned the exercise

by part of the population of Paraguay of its right to self-determination in the economic, social and cultural spheres.

57. Mr. BEERMANS (International Movement for Fraternal Union Among Races and Peoples) said that he was concerned at the economic, social and cultural devastation suffered by the people of Jammu and Kashmir. Whereas Kashmiri society had always been multi-confessional, with Muslims, Hindus, Christians, Sikhs, Buddhists and members of other religions living together in perfect harmony for centuries, fundamentalist organizations using terrorism had engaged in a crusade or "jihad" against everyone who did not share their views. They had attacked the Hindus and then the Sikhs—35 Sikhs had been killed the previous February in southern Kashmir—the Hindus again and even moderate Muslims who preached tolerance and peaceful coexistence. His organization not only asked the Government of India and Pakistan to resume negotiations, as they had been urged by the Secretary-General during his recent visit to the two countries, but also called on the Government of Pakistan to stop encouraging terrorist groups operating in Kashmir.

58. Mr. SAFI (International Islamic Federation of Student Organizations) said that democracy, accountability and transparency were of little use to those who went hungry at the end of the day. There had been a flood of statements on the supposed benefits of globalization, but the reality was quite different: the prices of developing country exports were plunging, while their import price levels were soaring. Illiteracy was on the increase, and basic health care and water supply were lacking. Like other NGOs, his organization believed that the current international economic order was not only unjust but also unsustainable and morally bankrupt.

59. His organization was particularly concerned by the systematic violation of the economic, social and cultural rights of the people of Palestine and Kashmir, especially the latter, for whom the situation was particularly serious. No one could be unaware of the brutality with which the Indians were stifling all sentiments of freedom in Kashmir. Less well known were the economic hardships that the Kashmiris had to face as a result of the devastation caused by the Indian army. By deliberately burning thousands of homes, destroying crops and demolishing and desecrating holy places and cultural sites, Indian troops had systematically violated the economic, social and cultural rights of the local population. The Kashmiri people therefore appealed to the United Nations, in particular the Commission on Human Rights, to send a fact-finding mission to Indian-occupied Kashmir to determine the extent of the violations.

60. Mr. OZDEN (Europe—Third World Centre (CETIM)) said that the interdependence associated with globalization made it necessary to extend the scope of the optional protocol to the International Covenant on Economic, Social and Cultural Rights. In other words, any person or group whose rights as set forth in the Covenant had been violated should be able to invoke the protocol. It was not only States that should be challenged but also international financial institutions and transnational companies. His organization therefore supported the establishment of a working group to amend the draft protocol accordingly.

61. CETIM stressed the primacy of the right to life over the logic that enabled transnational pharmaceutical companies to make exorbitant profits. Together with the American Association of Jurists, it therefore called on the Commission to affirm the primacy of basic rights, in particular the right to life, over intellectual property rights and requested the United States of America to withdraw its complaint to WTO against Brazil and called on the 39 transnational pharmaceutical companies to abandon the action against South Africa concerning AIDS drugs. Those drugs should be available to the public. In fact, given the increasingly strong influence that transnational companies exerted on economically weak countries, their turnover exceeding the gross national product of the countries in question, it was essential to establish a limiting international legal framework to regulate and control the activities of those companies.

62. CETIM also drew attention to the African Growth and Opportunity Act (AGOA) which, on the pretext of helping 48 African countries, actually aimed at unilaterally installing the market economy throughout Africa without guaranteeing the opening up of the American market. Under that law, African governments would have to sell all public assets by privatizing them and accept the consequences in the form of large-scale redundancies, greater insecurity of working conditions and increased poverty. CETIM called on the Commission to examine whether the Act complied with human rights standards and to remind the United States of America of the need to respect economic, social and cultural rights and to comply with the Charter of the United Nations.

63. The G7 countries had not kept their promise to cancel the debt of at least 20 countries by the year 2000. Even worse, their initiative of debt relief for heavily indebted poor countries (HIPC) involved expenses that imposed a heavy burden on the candidate countries with their meagre resources. While sharing the view of the Independent Expert Mr. Fantu Cheru on that issue, CETIM supported the decisions of the Dakar Conference held from 11 to 17 December 2000, which called for the cancellation of the debt and the immediate cessation of structural adjustment programmes. Finally, it called on the Commission to support the establishment of a strategic programme for a different type of development that involved a radical change in policy, the strengthening of south-south cooperation and a focus on endogenous development.

64. Mr. OHMAR (Catholic Institute for International Relations) said that, in spite of the claim by the Myanmar military authorities that they had made forced labour illegal, it continued throughout Myanmar, particularly in the Karen, Karenni and Shan States, where the army was deployed in strength. According to the Federation of Trade Unions—Burma, at least 80,000 individuals, including women, children and elderly persons, had been forced to perform hard labour during the period from November 2000 to January 2001. In Karen State, many villages on a gas pipeline route had been forcibly relocated. Forced labour had been used for the construction of that pipeline. Moreover, the army was mobilizing villagers to carry ammunition and supplies to areas where military operations were taking place. While welcoming the talks between Daw Aung San Suu Kyi and the military authorities in Yangon, serious violations of human rights in Myanmar remained extremely worrying. As long as the civil war continued, it was useless to hope for the abolition of forced labour. His organization therefore called upon the Commission to encourage the State Peace and Development Council (SPDC), in other words the military government, to negotiate a nationwide ceasefire with all armed ethnic groups.

65. Mr. FERNANDEZ (International Organisation for the Development of Freedom of Education (OIDEL)), congratulating the Special Rapporteur on the right to education for her report and for her proposal to establish a legal database on the right to education, said that his organization had been endeavouring for several years to disseminate information on constitutional guarantees regarding the right to education. It was a matter of concern that there was so much ignorance of decisions on the right to education pronounced by the European Court of Human Rights and the highest judicial authorities in various countries.

66. Laws adopted recently by countries such as Germany, France and Spain took account of the interdependence of civil and political rights on the one hand and economic, social and cultural rights on the other.

67. The Commission on Economic, Social and Cultural Rights had adopted general observations on articles 13 and 14 of the Covenant, a world education forum had been held in Dakar in April 2000 and Mr. Mehedi, an expert from the Sub-Commission on the Promotion and Protection of Human Rights, had presented a number of reports on the right to education.

68. There still remained much to do to develop that right. In particular, there was a need to explore education as a cultural right, to carry out a detailed analysis of the different legal decisions in that area, to define indicators of the exercise of that right (OIDEL was considering that question in cooperation with Menéndez Pelayo International University and the Human Rights Institute of the University of Fribourg), to teach human rights in multicultural societies and to study the right to education as an essential cultural and economic factor in the light of the fundamental changes taking place in societies in the 21st century. Finally, OIDEL wished to propose to the Commission that a working group be set up for the purpose of meeting annually to discuss ways of overcoming obstacles to achieving the right to education. His organization would be willing to make an active contribution to such a project.

69. Mr. TAIBON (Society for Threatened Peoples) said that in centralist France the 4.5 million people who belonged to linguistic minorities (Occitans, Corsicans, Basques, Flemish, Catalans and Alsatians) were subject to severe discrimination. According to article 2 of the Constitution of 1958, there were no minorities in France and French was the only administrative language of the country, which meant that the other languages were de facto excluded from public life. Moreover the "Deixonne" law of 1951, which authorized the teaching of regional languages for one hour per week, was still not respected. According to the Euromosaic Report by the European Commission, all minority languages spoken in France with the exception of German were doomed, which was tantamount to cultural genocide.

70. To remedy the situation France would have to annul article 2 of its Constitution, apply without exception all the provisions of the European Charter for Regional or Minority Languages, take all necessary measures to ensure that minority languages were taught in schools in regions where minorities lived, promote the development of minority languages, in particular by supporting minority newspapers and the broadcasting of television and radio programmes in those languages, officially recognize place names, patronymics and first names used by minorities, authorize the use of minority languages in administrative documents and facilitate contacts by those minorities with other same-language communities in Europe.

71. Mr. BALTI (Tunisian Association for Self-Help Development and Solidarity (ATLAS)) said that his organization carried out development projects to improve the living conditions of people in poor rural zones, particularly the forest and mountain areas of northern Tunisia. The projects focused on supplying drinking water, building tracks, schools and dispensaries, and improving housing conditions. In its work to combat poverty, ATLAS cooperated with other bodies such as the National Solidarity Fund and the new National Employment Fund. The population was closely involved in the implementation of the projects, which were designed to foster self-sustaining development.

72. ATLAS was convinced that human rights were interdependent and indissociable and that their exercise could be ensured only within a framework of sustainable development. The international community should therefore redouble its efforts to eliminate poverty and counter exclusion, which affected such vast numbers of people while a minority accumulated wealth and power.

73. He welcomed the support that the General Assembly had given at its fifty-fifth session to the appeal by the President of Tunisia to set up a world solidarity fund, which would make it easier to fight poverty in the most disadvantaged regions of the world. Measures should also be taken to cancel or relieve debt, in accordance with each country's situation.

74. Moreover, the rich countries and United Nations organizations should support all initiatives aimed at enhancing human resources and familiarizing children, particularly those in developing countries, with the new communications and information technologies.

75. Finally, he called on NGOs to stand up for their common values and to urge governments to conduct policies in compliance with universal human rights principles.

76. Mr. PORET (Association of World Citizens) said that so far globalization had benefited multinational companies and the richest countries. In fact, the opening of markets and the end of protectionism had been a disaster for small farmers in developing countries. In southern India, for example, they had not been able to stand up to the competition from foreign products and no longer managed to sell their own products, to repay their debts and to meet the needs of their often large families. That year many had committed suicide. Multinational companies in the agro-industry were seeking to dominate the market from top to bottom and to oblige the public to consume their products and accept their way of thinking. Fortunately, peasant societies were responding under the guidance of courageous leaders like José Bové, who was not afraid to attack the symbols of capitalist society.

77. It was the logic of the market that explained why sorcerers' apprentices had attempted to transform herbivores into carnivores and animals with foot and mouth disease were not vaccinated because they would lose their market value for a time.

78. In industry and transport, companies that operated on the principle of profit at all costs put thousands of employees out of work while they earned huge profits and the salaries of their executives attained unbelievable levels. In Switzerland, for example, directors' salaries in the federal railways had doubled. Major economic forums such as the one in Davos provided an opportunity for people with widely diverging points of view to meet, but they were also a symbol of the domination of the capitalist world, which did not hesitate to brutally repress those who contested that domination. As a counterweight to such meetings, a forum of the poor had been organized in Brazil with the participation of representatives of the rural world and native American communities.

79. The potentially dramatic consequences of global warming did not appear to worry either the heads of oil companies or Mr. Bush, who had gone back on his electoral promises regarding implementation of the Kyoto Protocol.

80. Finally, referring to the situation in Afghanistan, he strongly criticized the scandalous denial of the rights of women in that country.

81. Mr. GONZALES (International Indian Treaty Council) said that traditional social systems, means of subsistence and cultural beliefs and practices of indigenous peoples formed their cultural identity and were essential for their survival.

82. His organization therefore welcomed the request by the Sub-Commission on the Promotion and Protection of Human Rights, in its resolution, document E/CN.4/SUB.2/RES/2000/14, that the High Commissioner should encourage studies with respect to "the rights to food and adequate nutrition of indigenous peoples [...], stressing the linkage between their present general situation and their land rights, and to develop further cooperation with FAO and WFP on indigenous issues".

83. Motivated solely by short-term financial gain, large companies infringed the rights of indigenous peoples and posed a threat to the knowledge that they had accumulated in the course of history. For example, seeds that had been developed over countless generations were in danger of being lost forever on account of practices by the agro-industry and biotechnology companies.

84. In violation of article 1 of the International Covenant on Economic, Social and Cultural Rights, according to which a people could not be deprived of its own means of subsistence, multinational

oil companies in north-east Alaska and north-west Canada represented a serious danger to the culture and food security of the Gwich'in people, since the exploitation of that region threatened to cause the extinction of the porcupine caribou species, which was an essential part of that nation's culture. Similar dangers threatened the Washoe indigenous people in California and Nevada, where a traditional holy place was in danger of being given over to tourists.

85. The International Indian Treaty Council urged States to protect the rights of indigenous peoples and asked the Special Rapporteur on the right to food to pay particular attention to the relationship of indigenous peoples to their traditional sources of food and subsistence.

86. Ms. LEGRAND (Fraternité Notre Dame) said that her organization worked for the most underprivileged on all continents without any distinction of class, race, sex or creed. Religious, cultural and linguistic minorities were oppressed by majority groups everywhere.

87. Even in States like France, which loudly proclaimed its commitment to democracy, the separation of Church and State, and freedom of religion and conviction, churches and other pressure groups waged a fanatical and unrelenting war on spiritual minorities and educational currents that were not in line with the prevailing ideas. For example, methods of teaching reading and writing, even if they had proved effective, had been banned by the authorities, which accounted for the record illiteracy rate in France.

88. Under the pretext of combating sects, some Catholics and politicians adopted a sectarian attitude towards those who did not think as they did and used intimidation, slander and blackmail to prevent minorities such as Fraternité Notre Dame from conducting their social and humanitarian activities. The procedures and techniques used were different from those of the Inquisition but the idea was the same.

89. In the countries where Fraternité Notre Dame had opened humanitarian missions, the churches appealed to their governments to preserve their privileges and ensure that the minorities were silenced.

90. Fraternité Notre Dame was committed to treating each human being with the same respect. It operated in various countries to help the distressed, street children, AIDS sufferers, prisoners, the sick and the homeless in a spirit of peace, charity and tolerance.

91. Ms. BELLAMY (International Confederation of Free Trade Unions (ICFTU)) said that globalization had eroded the power and authority of governments and that the world economy was now controlled by multinationals. While it was the task of the trade union movement to ensure that companies respected workers' rights, engaging in genuine dialogue with multinationals to that end, it was the responsibility of States to establish a democratic climate conducive to the development of stable and sustainable economic policies, to combat poverty, foster the creation of productive and decent employment, protect social gains, maintain essential public services, ensure respect for workers' rights in the informal sector, fight corruption and protect the environment.

92. The State was also called upon to promote employment that respected equality between men and women and guaranteed the health and safety of workers in their work place. They should also ratify the ILO Fundamental Conventions, particularly the Minimum Age Convention and Convention 182 on the Worst Forms of Child Labour, and ensure that they were respected, especially in free export zones where minimum labour norms were violated and where trade unions were all too often banned.

93. States should also cooperate with the private sector and civil society and with other governments at a regional level to enlarge their markets and foster export development. Regional integration should be encouraged by agreements such as the Cotonou Agreement, which provided for the participation of non-governmental actors including trade unions.

94. The trend towards declining development aid needed to be reversed. As for international financial institutions, ICFTU urged them to set themselves the goals of creating decent and stable employment, increasing investment in social programmes and ensuring respect for the right to food.

95. Governments should endeavour to strengthen coordination between United Nations bodies such as ILO and UNCTAD on the one hand, and the World Bank, IMF and WTO on the other, so that greater account was taken of the social needs and basic rights of workers in world trade.

96. In that context, international taxation of speculative transactions in foreign currencies would make it possible to collect funds that could be used to finance social programmes and combat diseases such as AIDS and malaria.

97. The Third United Nations Conference on the Least Developed Countries offered the opportunity to establish a genuine partnership that would enable all persons to assert their economic, social and cultural rights.

98. Mr. LABRADA ROSABAL (Centro de Estudios sobre la Juventud) said that it was only through culture and by reinforcing the identities of peoples in developing countries that the disaster caused by neo-liberalism could be confronted. The fight against poverty, which affected 1.3 billion people, against illiteracy, which affected one billion, and for access to primary education for all school-age children should be among the Commission's priorities.

99. Cuba, which could be proud of an education record comparable with that of the most developed countries, was being pilloried even though its pupils did not kill their school mates or their teachers, as was frequently the case in the United States of America.

100. Cubans did not intend to rest on their laurels, however. Cuba was currently training teachers so that primary school classes would have at least one teacher for 20 pupils. All school libraries had received new books and encyclopaedias. There were also plans to install 300 computer clubs for young people.

101. In Cuba, television was not used to encourage violence or sex, or to advertise products that only the rich could afford. It broadcast educational programmes in all subjects and at all levels. Furthermore, 14 training colleges for teachers of arts and social sciences had been set up, capable of training 4,000 young people per year.

102. Thousands of social workers worked with socially disadvantaged young people to ensure that they benefited from genuine equality in their professional and cultural opportunities. One objective of the revolution was to guarantee full employment. Those who accused Cuba could not say the same because only socialism could achieve that objective.

103. Cuba had given free higher education to more than 40,000 students from the poorest countries. More than 150,000 Cuban civilians had carried out missions in developing countries in a spirit of internationalism. Cuba was currently experimenting with a new method of teaching reading and writing skills by radio.

104. More than 300,000 young Cubans had fought in Africa against apartheid, for the independence of Namibia and for the triumph of Angola over the National Union for the Total Independence of Angola (UNITA). Many had lost their lives. In spite of their heroic attitude, there were still those who dared to claim that human rights were being violated in Cuba.

105. Cubans aimed to follow the motto of José Martí, which was "to be cultured in order to be free", because they realized that in the current situation, without culture there could be no revolution, independence or liberty.

106. Ms. SOUHUWAT (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that for two years the Indonesian army, supported by foreign mercenaries, had been waging a full-scale war against the people, both Christian and Muslim, in the South Moluccas. The war had an economic dimension in that the Indonesian army prevented the people from fishing, which was their main livelihood. Villages, hospitals, schools, universities and churches had been razed to the ground, half a million people had been displaced and tens of thousands had been killed during the previous 20 months.

107. The Indonesian army had done its best to set the two main religious groups against each other, after they had lived in harmony—until the army's arrival—in accordance with the covenant of cooperation known as Pela Gangung.

108. The international community should demand that the Government of Indonesia immediately withdraw its army and the foreign mercenaries whose presence fomented instability and should do everything possible to facilitate peace and cooperation between the different communities in the Moluccas.

109. Mr. GEBRID (World Federation of Democratic Youth) said that economic and trade sanctions, embargoes and blockades imposed on States were contrary to the core principles of the United Nations. In particular, he deplored the dreadful living conditions in which the Iraqi population found itself because of the unlawful sanctions that the Security Council, at the whim of the United States and the United Kingdom of Great Britain and Northern Ireland, had imposed on Iraq. His organization called on the Security Council to totally and unconditionally lift its sanctions against Iraq.

110. Similarly, the trade blockade imposed on the Republic of Cuba by the Government of the United States of America was one of the longest economic wars launched by a superpower against a poor developing country. That illegal and unilateral coercive measure was testimony to the arrogance of the United States of America, its aggressive nature and its complete disregard for the Charter of the United Nations and international law, including its own Constitution, which was based on the principles of liberty. His organization called on the Government of the United States of America to review its position on Cuba and to lift its genocidal blockade. By doing so, it would rejoin the ranks of civilized members of the international community.

111. In Zimbabwe, the difficulties experienced by millions of indigenous inhabitants because of the unjust land distribution inherited from the British Empire had resulted in acts of violence. The situation was complicated by the fact that wealthy white farmers had refused to sell land to the Government at a reasonable price for redistribution to landless Zimbabwean farmers. Nor had the British Government honoured its promise to compensate white farmers. His organization called on the international community to help the Zimbabwean people during the difficult time they were going through.

112. Ms. SHRESTHO (Women's International League for Peace and Freedom) said that her organization fully concurred with the conclusions of the Independent Expert on structural adjustment and foreign debt. The poverty reduction strategy paper perpetuated the failed policy of focusing on macroeconomic concerns to the detriment of social development and the realization of human rights. She drew attention to the fact that the negotiations conducted by WTO under the General Agreement on Trade in Services (GATS) would extend the scope of WTO's rules at a time when there had been recognition of the increasingly urgent need to reform that organization. Reform should precede negotiations to avoid perpetuating iniquities in international trade and increasing the marginalization of human rights in economic agreements. Most WTO member States were signatories to legally binding human rights treaties. In that context, her organization recalled its opposition to the provisions of the Multilateral Agreement on Investment (MAI) which, fortunately, had provoked an outcry within the international community. However, as investment was included in GATS as a service, the content of MAI was included and expanded in the former.

113. Her organization was also concerned by the fact that trade agreements signed under GATS were binding for a minimum of three years and that in the case of withdrawal or revision compensation needed to be negotiated with members, whose trade could be affected as a result. Countries could invoke major public interests in order to withdraw, but those interests did not explicitly include human rights. Her organization urged States to integrate their legal human rights obligations in trade negotiations.

114. She commended the Sub-Commission's Special Rapporteurs on globalization for their work and its special focus on the effect of globalization.The emphasis by developed countries on "commercial presence" over the "movement of natural persons" could be seen as discriminating against women, in that commercial presence applied in particular to the most qualified and thus excluded women, most of whom were in less qualified jobs.

115. For those reasons, her organization urged the Commission to seriously consider the relationship between human rights and economic policy, particularly in relation to GATS. The matter was urgent because the Agreement was due to be finalized by 2002.

116. Her organization called on the Commission to request the Sub-Commission to set up a working group on the effects of GATS on human rights. The Sub-Commission should also examine the relationship between the possible impact of GATS and States' human rights obligations. The Special Rapporteur on development and other special mechanisms under item 10 should also investigate the implications of GATS for human rights. Finally, she urged the Commission to encourage States to honour heir legal obligations in the area of human rights when entering into agreements with multilateral institutions.

The meeting rose at 1.15 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE CONGO

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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GE.01-12468 (E)

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

(e) RELIGIOUS INTOLERANCE

(f) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

The meeting was called to order at 3.10 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE CONGO

1. Mr. ADADA (Congo), having welcomed the news that the High Commissioner for Human Rights had reconsidered her decision not to seek a second term of office, said that the Commission's first session of the third millennium offered the opportunity to reflect on the human rights record of the past century and consider what remained to be done. One of the Commission's first tasks had been to draw up an International Bill of Human Rights. That had been achieved with the Universal Declaration of Human Rights and the two International Covenants on Human Rights which had subsequently been reinforced by other international conventions. The committees set up under those instruments were working well. Governments had understood the importance of submitting reports to them and were making ever-greater efforts to meet their obligations.

2. Much had thus been achieved but there was still a long way to go. His Government welcomed the fact that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was to be held in South Africa. His own country had contributed to the African Regional Conference held in Dakar from 22 to 24 January 2001. It was to be hoped that the Conference would find adequate ways of eradicating the scourge of racism in the future, while retaining a historical perspective and remembering, for instance, that Africa had suffered greatly from acts of racism in the times of slavery and colonialism.

3. The other major challenge facing the Commission was the speedy realization of the right to development, a universal and inalienable right without which there could be no real enjoyment of all the other human rights. Extreme poverty constituted a complete negation of human dignity. For that reason, his Government had made it a priority to boost the economy, establish a State subject to the rule of law and revive the democratic process. Young people had an important role to play in the development process and particular attention was thus being given to youth training, employment and integration. No country could achieve true development if it neglected its young people.

4. The establishment of the rule of law was being achieved by the introduction of an effective and impartial system of justice. A prerequisite for a State subject to the rule of law was a democratic regime; and there could be no democracy without an independent judiciary capable of limiting the power of the executive.

5. Progress along those lines had unfortunately been driven off course by the various civil wars that had occurred. To put an end to the violence, the Government and the armed factions had, through the good offices of the International Mediator, the President of Gabon, concluded a ceasefire agreement and an agreement on cessation of hostilities in November and December 1999. Under the agreements, some 12,000 firearms, of all calibres, had been collected and ex-combatants had been reintegrated into society, with the assistance of the international community, to which he expressed his gratitude.

6. The return of peace had made it possible to embark upon a comprehensive national dialogue to revive the democratic process. The National Dialogue, designed to lay the foundations for national reconciliation and a lasting solution to the Congolese crisis, had opened in Brazzaville on 1 March 2001 in the presence of the President, the International Mediator and several heads of State and international observers. The Dialogue, in which all political parties and movements were represented, together with trade unions, civil associations and individuals, fell into two parts, an initial stage of recording proposed amendments to the draft Constitution and the draft Convention for the Peace and Reconstruction of the Congo and a subsequent stage - from 11 to 14 April 2001 - which would seek to achieve a national consensus on political and institutional values, peace and national reconstruction. The Dialogue would culminate on 14 April in the signature of the Convention for the Peace and Reconstruction of the Congo.

7. The National Dialogue was an important event which should enable the Congo to look to the future with optimism and to resume its place among the nations enjoying a pluralist democracy, with the holding of a constitutional referendum and general elections. He appealed to the international community to continue its support for a process that was vital for the democratic future of the Congo and the well-being of its people.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)
E/CN.4/2001/8, 10, 49-53, 54 and Add.1 and Corr.1, 55 and Add.1, 56, 57, 62 and Add.1 and 2, 123 and 148; E/CN.4/2001/NGO/1, 4, 14, 15, 26, 30, 58, 60, 63, 80, 82, 103-106, 108, 109, 125, 131, 148, 154, 166 and 186; E/CN.4/2000/33; E/CN.4/Sub.2/2000/13)

8. Ms. OUHACHI-VESELY (Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights) said that the concerns expressed by the representative of Costa Rica seemed to be covered in her report which set out the facts regarding the case of the sterilized workers which implicated transnational companies, not the Government. She paid tribute to the work done by the Ombudsman in Costa Rica in helping the victims regain their rights.

9. As for the Cuban representative's comments concerning the need for special rapporteurs to be accorded equitable treatment and for the timely distribution of documents, she had herself experienced difficulties in securing acceptance of a single addendum to her report, which was distributed in one working language only. A comparative study should be made so that documentation could be rationalized on a more equitable basis for all the special rapporteurs.

10. She thanked the African Group for its interest in the subject of her mandate and its positive assessment of her report. She hoped that her observations regarding human rights incidents would convince the Japanese authorities of the relevance of the problem being considered within the Commission.

11. She welcomed the cooperation which she enjoyed with the United Nations Environment Programme (UNEP) and the secretariat of the Basel Convention, particularly with regard to the prospects for a substantial contribution to the Rio +10 Summit. She had taken note of the constructive contributions of Human Rights Advocates, the Natural Heritage Institute and

Earth Justice. Finally, she said that the best criticism that could be made of a Special Rapporteur's work was that it did not obey the criteria and parameters defined in the financial institutions which, in the era of globalization, it was intended should rule the world.

12. Mr. KOTHARI (Special Rapporteur on adequate housing) said that the statements that had linked the right to adequate housing and land rights to the issues of poverty, discrimination and women's rights to land and property had confirmed him in his belief that it was absolutely critical to follow an approach based on the indivisibility of human rights. He had particularly welcomed the statements by the representative of Mexico and the International Alliance of Women regarding the rights of women to property, health and adequate housing.

13. He would give consideration to the question of natural disasters, and to the emphasis that needed to be given to housing programmes at the municipal level, following the statements made by the observers for Honduras and Nicaragua. The statement made by the representative of the United Nations Centre for Human Settlements (Habitat) had highlighted the need for a United Nations system-wide housing rights programme. It was something he was very keen to promote, and it was gratifying that progress was being made in that direction. However, there had been something of a setback in the lead-up to the Istanbul +5 review, and there was a very urgent need for the Commission to state unequivocally that there should be no going back on the Habitat agenda and on work on the right to adequate housing.

14. He welcomed the statements that had been made relating that work to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. Progress towards its speedy adoption would greatly facilitate work on the right to adequate housing. Finally, he sought the assistance of the Commission regarding the development of a research agenda on the right to adequate housing, especially so that research could be carried out on the impact of globalization on housing.

15. Mr. FANTU CHERU (Independent expert on structural adjustment policies and foreign debt) said that, while he welcomed the statements by the representative of Zambia and a number of non-governmental organizations (NGOs), he disagreed with the representative of the World Bank whose analysis was based on discussions with national Governments that had been affected by the process of adjustment and the management of the debt crisis. The whole debt issue had to go beyond the heavily indebted poor countries (HIPC) initiative, which was already experiencing a significant funding crisis. Although 33 HIPC countries had received US$ 20 billion of debt relief to date, as well as bilateral debt relief, another US$ 221 billion remained that was clearly unlikely to be paid out.

16. Debt relief in the future should focus on three priority areas. In the first place, there were the countries that were particularly severely affected by the HIV/AIDS pandemic. In some countries of sub-Saharan Africa, up to 40 per cent of primary school teachers would be dead within the next two to three years. The Governments concerned urgently needed debt relief and a significant infusion of resources. Secondly, there were countries in post-conflict situations, such as Sierra Leone, Guinea, Rwanda and Burundi. It was necessary to be able to provide the young people of those countries where there had been a massive culture of violence with an

alternative. Thirdly, countries which had been the victims of natural disasters could not be expected to restart their development processes unless resources were targeted at strategic sectors of their economies so as to raise productivity.

17. With regard to the overall management of the debt crisis, the charade had to come to an end. Nations had been playing games in the face of tremendous poverty and marginalization. The hope had to be that, at the next summit meeting of the Group of 7, a much bolder alternative would be found to the current approach, which was completely inadequate.

18. Special rapporteurs and independent experts could continue to submit their reports, but there was currently no bridge connecting the Commission's work to the activities of the multilateral institutions - the International Monetary Fund (IMF), the World Bank and the World Trade Organization (WTO) - and unless the Commission devised a stronger mechanism with which to engage those powerful institutions, no progress was going to be made on the integration of human rights.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

(e) RELIGIOUS INTOLERANCE

(f) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (E/CN.4/2001/4, 9 and Add.1 and 2, 10, 11, 14 and Add.1, 58, 59 and Corr.1 and Add.1, 60, 61, 63, 64 and Add.1, 65 and Add.1-3, 66 and Add.1, 67, 68, 69 and Add.1, 116, 137 and Corr.1, 138 and 149; E/CN.4/2001/NGO/2, 16, 23, 31, 47, 49, 50, 52, 64-71, 76, 90-94, 98, 99, 101, 110, 115, 116, 132-135, 137 and Corr.1, 138-145, 150, 159, 167, 168, 181 and 182; A/55/178 and 280 and Add.1 and 2; A/RES/55/89)

19. Mr. SIBAL (Chairman-Rapporteur of the Working Group on Arbitrary Detention) introducing the Working Group's report (E/CN.4/2001/14 and Add.1) said that it had continued to develop its follow-up procedure and had sought to engage in continuous dialogue with the countries it had visited and in respect of which it had recommended changes of domestic legislation governing detention. Acceptance, transparency and cooperation in the context of requests for country visits was the surest way of furthering the cause of human rights by developing mutual respect and understanding between Member States and the United Nations human rights mechanisms.

20. The Working Group was seriously concerned about the increasing misuse of the term "State secrets" to describe certain information, and recommended that Governments take all necessary steps to ensure that no legislation concerning national or State security was extended to cover information relating to the defence and protection of either human rights or the environment. It recommended that all States that had not yet done so should adopt appropriate measures to ensure that conscientious objector status was recognized and also recommended that Governments should specify in domestic law the maximum permissible period of detention pending extradition of an individual to a requesting State.

21. Ms. JAHANGIR (Special Rapporteur on extrajudicial, summary or arbitrary executions), introducing her report (E/CN.4/2001/9 and Add.1 and 2), said that the situation regarding her mandate remained grim and there was little cause for optimism. The worst forms of violations were committed in internal conflicts between government forces and militant groups or civilians. The warning signs were clear: firm steps must be taken to end impunity; it was crucial to search for creative ideas for conflict prevention and to strengthen the capacity for post-conflict peace-building; and violations of the right to life by Governments must never be tolerated or overlooked.

22. Impunity for human rights offenders seriously undermined the rule of law and widened the gap between those close to power structures and those who were vulnerable to human rights abuses. The increasing difficulties in securing justice alienated the people from the State, and might even drive them to take the law into their own hands, resulting in a further erosion of the justice system and a vicious circle of violence and retaliation. If unaddressed, such situations could easily degenerate into anarchy and social disintegration. Too many Governments continued to condone or even justify extrajudicial killings by their security forces but their explanations were steadily losing credibility.

23. More and more people were beginning to oppose the culture of violence. Regrettably, others were joining militant groups which pursued their goals by violent means and often thrived on and exploited the grievances of civilian populations. Governments should recognize that grievances were all too often the direct products of their own actions, or of their failure to listen to and care for those most in need of support and protection. They should also note that people suspected that many militia groups were tolerated, supported or formed by Governments or their intelligence agencies. Thousands of unarmed civilians, including many women and children, had been killed in conflict situations or as a result of excessive use of force by law-enforcement agents.

24. She had repeatedly sent allegations of extrajudicial killings to the Government of Israel, but had so far received no response. She had approached the Government of the Russian Federation with regard to a number of alleged violations of the right to life attributed to government forces in Chechnya, and her request for permission to visit Chechnya was still pending. In February 2001, she had issued a statement expressing her deepening concern over continuing reports of massacres and extrajudicial executions in Afghanistan. Such killings had to be investigated and a way to secure justice found.

25. In recent months her attention had been drawn to reports of extrajudicial killings of children in Honduras, Guatemala and Nicaragua in the context of so-called "social cleansing". She regretted that, in paragraph 67 of the report, she had wrongly mentioned Costa Rica; a correction would be issued.

26. The second addendum to her report contained her observations following a mission to Nepal in February 2000. In it she concluded that Nepal was in the early stages of transition to democracy, and that it was essential to maintain the momentum and safeguard the progress achieved.

27. She had paid a visit to Turkey in February 2001 and would report on it in due course. The Governments of Colombia, Honduras, the Federal Republic of Yugoslavia and Côte d'Ivoire had invited her to visit their countries.

28. Mr. BAHADUR SHRESTHA (Nepal) said that the enormous challenge faced by his country in strengthening its democratic system and advancing its economic development at the same time as protecting the rights and interests of its citizens had been compounded by the violent and murderous activities of the Communist Party of Nepal (Maoist) since February 1996. The problem posed a threat to the very survival of democracy in Nepal. Nearly 1,600 people had lost their lives in incidents involving the Maoists. As recently as 1 and 2 April 2001, 35 policemen had been killed and 28 abducted by Maoists in Rukum and Dolakha Districts. Even the Chief Justice of Nepal had been their target in February 2001. Because of the acts of violence and terrorism by Maoists, the Nepalese people living in remote parts of the country were totally denied their right to live and carry on their daily lives in peace.

29. In the course of the security measures to control Maoist activities, strict instructions had been issued to the police personnel not to take any action that could lead to violation of anyone's human rights and fundamental freedoms. The police had not resorted to any acts of torture or enforced disappearance. In some instances, however, people involved in terrorist activities had gone underground and that might account for reports of disappearances.

30. His Government had continued to seek a negotiated political solution, and had called upon the Maoists to renounce terrorist activities and come to the negotiating table. There had recently been a fresh initiative to end the problem. The Government had published a list of 302 detained for involvement in terrorist activities and had called upon the Maoists to publish the list of 131 persons abducted by them and still held.

31. With the technical cooperation of the Office of the United Nations High Commissioner for Human Rights (OHCHR), his Government had made attempts to create a law-enforcement system that was sensitive and responsive to human rights: there were training programmes for police officers, workshops on human rights and criminal procedure, and a human rights training manual for police cadets.

32. As for the case of Ms. Laxmi Mudbari, mentioned in paragraph 313 of the Special Rapporteur's summary of cases transmitted to Governments (E/CN.4/2001/9/Add.1), his delegation wished to state that, since 26 July 2000, she had been held in Bharatpur prison, where she was receiving visits from relatives. OHCHR had been informed of the situation on 30 August 2000.

33. Mr. RONNAS (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, welcomed the fact that a growing number of States had become parties to the International Covenant on Civil and Political Rights and encouraged those that had not yet done so to accede, so that the ultimate goal of universal accession could be achieved. Accession, however, was not enough. Existing standards on protecting the civil and political rights of all without distinction of any kind must be implemented.

34. All over the world, men and women were being killed, sometimes by agents of the State or with their acquiescence, because they belonged to a certain ethnic or religious group, because of their sexual orientation or in the name of honour. The perpetrators must be brought to justice. Such killings should be neither condoned nor sanctioned by the State. The Union welcomed the fact that the Special Rapporteur on extrajudicial, summary or arbitrary executions had visited Nepal in 2000 and Turkey in 2001 and was likely to visit Colombia, Honduras and the Federal Republic of Yugoslavia in the near future. It regretted that the Governments of Algeria, Bahrain, Côte d'Ivoire, India, Israel, Pakistan, the Russian Federation, Sierra Leone and Uganda had failed to respond to the Special Rapporteur's requests to be allowed to visit their countries.

35. The right to be protected from torture was enshrined in a number of international instruments and no exceptions to that right were permitted under international law. The reality was, however, grim. The Union called on all Governments that had not yet done so, to consider acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant instruments. It further called on the States parties to the Convention and to the International Covenant on Civil and Political Rights to consider, where they had not done so, recognizing the competence of the Committee against Torture and the Human Rights Committee to consider communications under those instruments.

36. The Union welcomed the fact that Botswana, Gabon, Ghana and Lebanon had acceded to the Convention against Torture since the Commission's previous session and that Comoros, Guinea-Bissau and Sao Tome and Principe had signed the Convention. It was to be hoped that ratification would follow shortly.

37. The Union welcomed the campaign against torture carried out by NGOs and called on all Governments to join in the effort to put an end to that abhorrent affront to human dignity. It also called on the working group on the draft optional protocol to the Convention to reach agreement on a text that would provide for an independent and efficient international monitoring mechanism. The Union looked forward to endorsing the principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment, elaborated by the Special Rapporteur on torture and annexed to Commission resolution 2000/43.

38. It also welcomed the work done by the Committee against Torture and the visits by the Special Rapporteur to Azerbaijan and Brazil, as well as the positive reaction by the Government of Uzbekistan to the Special Rapporteur's joint request with the Chairman-Rapporteur of the Working Group on Arbitrary Detention to be allowed to pay a visit. The Union noted the Special Rapporteur's discussions with the Governments of China and the Russian Federation

about possible visits and looked forward to positive responses from the Governments concerned. It noted with regret that the Governments of Algeria, Bahrain, Egypt, India, Indonesia and Tunisia had still not responded to requests by the Special Rapporteur for an invitation to visit.

39. It called on all States to contribute to the United Nations Voluntary Fund for Victims of Torture and commended the Board of Trustees on its work.

40. The frequent use of arbitrary arrest or detention continued in many countries and the Union called on all Governments to ensure that their domestic laws were in conformity with the relevant international standards. Persons deprived of their liberty must be offered sufficient protection against ill-treatment in custody and summary legal proceedings; violators of such rights should be brought to justice. States should also take steps to outlaw all acts of enforced disappearance, to investigate any allegation of such a disappearance and to bring the perpetrators to justice.

41. The Union was concerned about the inadequacy of secretarial support mentioned in the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2001/68, para. 126), particularly in view of the backlog of work on case files and the importance of ensuring that the Working Group's urgent action procedure was efficiently processed. The Union called on OHCHR to make the necessary arrangements to provide proper secretarial support for that Working Group, the Working Group on Arbitrary Detention and all thematic rapporteurs and working groups, whose good work was otherwise at risk.

42. An independent and efficient judicial system was the best safeguard against the emergence of impunity. The independence of the judiciary should therefore be safeguarded, the principle of equality before the law should be respected and measures to observe those standards in domestic legal systems should be implemented. The Union was pleased that the Special Rapporteur on the independence of judges and lawyers had been able to visit Belarus, Slovakia and South Africa and that invitations had been extended to him by the Governments of Mexico, Saudi Arabia and Zimbabwe.

43. The Union noted with great concern the large number of States in which freedom of expression was ruthlessly suppressed. In particular, women in many countries were denied that right. The Governments concerned should remove any restrictions and obstacles, whether formal or cultural, to women's enjoyment of their inherent freedom of expression. The Union noted that the Special Rapporteur on freedom of expression had undertaken a mission to Albania and it welcomed the invitations received from the Governments of Argentina, Egypt and Peru. It was regrettable that requests for permission to visit Angola, China, Colombia, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, India, Indonesia, Pakistan, the Russian Federation, Sri Lanka and Viet Nam had not yet met with positive replies.

44. The Union supported the continuing efforts of the Special Rapporteur on freedom of religion or belief to examine incidents in all countries that were incompatible with the relevant international standards, in particular the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

45. In several of the reports by special rapporteurs and working groups, the fight against impunity was mentioned as being of crucial importance. It was dismaying that, in a number of countries, impunity continued to be the norm and thus the breeding ground for continued human rights violations. All Governments should cooperate with the human rights mechanisms and allow visits to their countries by those mechanisms, as the countries of the Union did. Such cooperation would contribute to the full achievement of the elimination of all human rights violations everywhere.

46. Mr. NDIAYE (Senegal) said that his Government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1986, even before its entry into force. The country's new Constitution, adopted in a referendum in January 2001, stated that the human person was sacred and inviolable and that the State had an obligation to respect and protect every individual. The criminal law contained severe penalties for those perpetrating torture, whether they were from the private or the public sector. Any public official who detained or caused to be detained an individual in a place not intended for such detention was punished by the loss of his civil rights. The reason for such severity was that it was in precisely such secret places that torture occurred. The law sought to keep conditions of arrest and detention within the limits compatible with the guarantee of individual freedoms, since the person arrested must benefit from the presumption of innocence.

47. In practice, the police custody procedure was under the control of the Government Procurator. The record of the statement and the compulsory police custody register must mention the reasons for the arrest, the day and hour that it commenced, the duration of questioning and the rest time. Any action taken by the judicial police during the detention must also be expressly mentioned in the record of the statement, which was initialled by the person in custody, otherwise the proceedings would be null and void.

48. The most remarkable innovation in his country's criminal procedure, however, was the presence of a lawyer during police custody and the possibility given not only to the Government Procurator's Office but also to the detainee and his lawyer, or indeed to any person whatsoever, to request at any time that the detainee be given a medical examination, a request that could not be refused. It was a measure that significantly improved the rights of the defence during a sensitive stage of the proceedings. Those provisions went beyond what was required by the Convention.

49. Senegal's commitment to human rights and its measures to consolidate the rule of law had been recognized by the Committee against Torture which had commended Senegal's ratification of a number of international human rights treaties and the modernization of its legislation. It had also commended the publication of a joint communiqué by representatives of both the Government and NGOs announcing the introduction of a regular dialogue and the establishment of a human rights office.

50. His Government had also introduced human rights training programmes for the police, the armed forces and the medical corps. Lastly, it had made the declaration provided for under articles 21 and 22 of the Convention, recognizing the competence of the Committee against Torture to receive and consider communications.

51. Ms. FILIP (Romania) said that the Commission should do its utmost to consolidate democratization by taking stock of the lessons learned and reflecting on the transition processes occurring throughout the world. True democracy represented a profound synthesis of all the categories of human rights for which the international community was striving. Indeed, increasing numbers of nations had asserted their freedom and recognized democracy as the form of governance which best met their aspirations.

52. In an era of globalization and interdependence, people must be able to adapt quickly to new realities. Human development thus implied a comprehensive education ranging from technological training to a new self-awareness which appreciated human dignity and uniqueness. A qualitative shift in the involvement of major actors was also required, as was a continuous reassessment of the role and responsibilities of civil society.

53. Since democratization was not irreversible, it must be constantly reinvented and protected. To that end, there must be action-oriented debate at the international level to identify new means of strengthening the power of democracy. The Commission and other United Nations bodies should act as honest brokers to that end.

54. Mr. BERGH JOHANSEN (Norway) said that no democratic State could be sustained without the rule of law, which was indispensable for the protection of human rights and good governance. The rule of law necessitated proper distribution of power between an accountable executive, the legislative and the judiciary. An independent judiciary must uphold the integrity and reinforce the effectiveness of other democratic institutions, and prevent abuse of power on the part of the State. Once established, the International Criminal Court would serve as a further deterrence against the most heinous international crimes. His delegation thus strongly urged all States to ratify the Rome Statute.

55. States should fully implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, inter alia by enacting effective legislation on the prosecution and punishment of infractions. They should also intensify their efforts to prepare an optional protocol to the Convention, with a view to establishing a strong international mechanism which would not be merely complementary to national machinery.

56. Full cooperation with all international human rights mechanisms was essential. His own country had taken measures to improve its practice in response to criticisms made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the United Nations Committee against Torture, notably with regard to the use of remand in custody for relatively long periods and of bans on correspondence and visitors.

57. Freedom of expression was fundamental to any society built upon the principles of human rights. Moreover, an enlightened, active and critical public debate was a cornerstone of democracy. The information provided by NGOs on cases in which freedom of expression and free media in a number of States was threatened was of immense value both to the individuals affected and to Governments.

58. Mr. DUQUE ESTRADA MEYER (Brazil) said that his delegation wished to endorsee the statements made by the representatives of Mexico and Paraguay. Democratic regimes should be strengthened to counter the worrying rise of political parties promulgating racist and xenophobic ideas. Democracy and human rights were totally incompatible with racism and the Commission had an important role to play in the preparations for the forthcoming World Conference by unequivocally reaffirming that principle. Democracy depended on constant self-criticism: no problems were ever solved once and for all, nor were there any problems that had no solution.

59. Torture had become a chronic problem in Brazil and his Government had decided to launch a national media campaign involving the creation of a telephone hotline and the promotion of public debate to identify means of combating the practice. The visit of the relevant Special Rapporteur to Brazil would provide an excellent basis for further dialogue.

60. United Nations activities to combat torture should be strengthened, and international assistance provided to Governments committed to addressing the problem. It was to be hoped that the elaboration of a draft optional protocol to the Convention would yield positive results.

61. Mr. SCHWARZ (United States of America) said that the United States had not invented human rights, indeed, it might be said that human rights had invented the United States. The protection of such rights was the very purpose of government, and the just powers of government must depend on the consent of the governed. Such, indeed, was the essence of democracy. In the words of President Bush, people should be able to say what they thought, worship as they pleased and elect those who governed them.

62. In the absence of freedom of expression, no other universally recognized right could flourish. Tolerance for the opinions of others was the price to be paid for a free society. Room must be made for dissent, whether voiced on the Internet, in the press, or in the public square. Opinions, no matter how offensive, must be heard and debated in the "marketplace of ideas" - a central premise of his country's Constitution and of the Universal Declaration of Human Rights.

63. Fundamental rights did not, however, exist merely because they were enshrined in legal instruments. They were an inherent part of humanity. Everyone knew that to massacre, torture and enslave were fundamentally wrong. A child might not know the meaning of the word "genocide" but a child did know that it was wrong to take life indiscriminately.

64. It was important that terms such as "genocide", "racism" and "apartheid" not be misused. Every goal must not be called a "right", or every wrong a "crime against humanity". Some nations used the language of human rights to deny individual freedom rather than to protect it. They perverted the language of the rule of law by insisting that they did not have political dissenters rotting in their prisons, merely people who "violated the law" or constituted "political harm to society".

65. Raising the cases of individuals around the world who had been persecuted for exercising their human rights, he said that, in China, Huang Qi had been put on trial for exchanging e-mail critical of the Chinese Government. In Cuba, José Orlando González Bridon - a journalist and labour activist - had been charged with disseminating "enemy propaganda" for publicly

criticizing the police. In Viet Nam, Father Tadeus Nguyen Van Ly was under house arrest for submitting written testimony to the United States Commission on International Religious Freedom.

66. Democracies flourished where religious freedom was protected, but the converse was also true. Governments that engaged in religious persecution imposed a single, approved ideology on all their citizens. In China, for example, persons who practised Buddhism, Christianity or Islam outside officially sanctioned organizations - or who engaged in certain spiritual pursuits - were subject to arrest. Some were beaten, tortured, or imprisoned in "re-education through labour" camps. Falun Gong practitioners had been placed in police-run psychiatric hospitals.

67. In the Sudan, the Government forcibly imposed its own interpretation of Islamic law on its diverse population, thus contributing to a civil war responsible for 2 million deaths and 4 million internally displaced persons. In Viet Nam, the authorities had intensified their attempts to repress dissident Buddhists and leaders of independent Protestant churches, and had prevented Protestants and Catholics from forming an autonomous association. In Laos, the religious freedom of the country's Protestant minority was not safeguarded. The Iraqi regime, had murdered clerics, desecrated mosques and holy sites and imprisoned, persecuted and killed tens of thousands of Shiites and members of other religious groups. Genuine religious freedom did not exist in North Korea either. Freedom of worship was feared by tyrannical Governments because it threatened the monopoly of loyalty and thought with which they sought to maintain control over individuals.

68. Thanks to the Internet and satellite television, the question was no longer whether the world was able to hear of cases of human rights violations, but whether it was listening. The sad fact of the twentieth century was not that the international community had been unaware of the Holocaust, or Pol Pot, or the massacres in Rwanda, but that it had done too little - or waited too long - to stop those tragedies. The question before the Commission was not whether human rights violations existed, but whether it had the will to believe that such wrongs were occurring and the will to take action.

69. Mr. HUSSAIN (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), introducing his report and its addendum on his mission to Albania (E/CN.4/2001/64 and Add.1), said that freedom of opinion and expression was fundamental to all other rights and its protection required particular vigilance. Without it, a man lost the very quality which made it possible for others to treat him as an equal fellow being. Furthermore, it was the right that was invoked to defend personal freedoms, autonomy and identity. Silences must be heard if clashes of civilization were to be averted; voices must be raised if men were to master their destinies.

70. During the year under review, he had received a disturbingly large volume of complaints concerning journalists, writers, political actors and other individuals who had been deprived of their right to freedom of opinion and expression. A significant number of complaints could not be acted upon due to lack of time and resources. It was clear, however, that too many persons in the world continued to suffer intimidation, harassment, arbitrary detention and physical harm for exercising a basic right.

71. The report enumerated the visits he hoped to undertake in the coming year and provided details on his activities, his communications with Governments and cooperation with human rights mechanisms and other intergovernmental organizations. Welcoming the dialogue he had undertaken with certain Governments and NGOs, he drew particular attention to recent positive discussions with representatives of the Islamic Republic of Iran. His visit to Peru was scheduled for November 2001.

72. Since the free flow of information and ideas was one of the most effective ways of eradicating prejudices, the exercise of the right to freedom of opinion and expression - particularly by the media - would contribute greatly to strengthening the forces pitted against racism and intolerance in general. The fact that the right had sometimes been abused for the purposes of advocating national, racial or religious hatred should not be allowed to overshadow its positive potential since, in its absence, human freedom was impoverished and human development impaired.

73. Mr. KRISAFI (Observer for Albania) said that respect for human rights was a priority for his Government and the individual cases cited in the addendum to the Special Rapporteur's report (E/CN.4/2001/64/Add.1) were not at all representative of the general spirit of Albanian society. That being said, his Government fully realized that much had still to be done.

74. His Government had presented its official response (E/CN.4/2001/138) to the report in which it pointed out that the Penal Code and the Civil and Penal Procedures Code had been amended and a number of laws concerning the State police and the press had been passed thereby greatly improving the situation. The Government had expressed deep regret regarding past cases of mistreatment of journalists but, as noted in the report, no journalist was currently in prison or under arrest.

75. Whatever defects there might be, there were no disturbing problems relating to the position of women, nor any policies and practices that discriminated against women, as alleged by the Special Rapporteur. In short, while his Government considered the recommendations in the report to be on the whole in line with its own efforts to promote respect for human rights, it felt that some of them had nothing to do with the contemporary situation in Albania.

76. Lastly, his Government had responded in detail in a note verbale dated 22 December 2000 to all the allegations made by the Special Rapporteur on torture in his report (E/CN.4/2001/66). He requested that the response be incorporated into the report.

77. Mr. TOSEVSKI (Member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture) said that the Commission had before it the report of the Secretary-General on the status of the Fund (A/55/178) and updated information on the subject (E/CN.4/2001/59 and Corr.1).

78. Some US$ 11 million would be needed to finance assistance to victims of torture and members of their families. Only about US$ 1 million had been received to date. So far, pledges totalling US$ 2 million had been made by Algeria, Brazil, Chile, Cyprus, Denmark, Italy, Monaco, the Netherlands, Tunisia, Turkey and the United Kingdom. He had been informed that

a pledge of US$ 5 million had just been received from the United States, bringing the total pledges up to US$ 7 million. To be considered by the Board of Trustees at its next session pledges must be actually paid up before 30 April 2001.

79. He appealed to Governments, NGOs and the general public to make use of the United Nations International Day in Support of the Victims of Torture to participate in humanitarian assistance to the victims of torture worldwide.

80. Ms. CASTAÑON (Office of the High Commissioner for Human Rights), speaking on behalf of the Chairperson-Rapporteur of the working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, introduced the report of the working group (E/CN.4/2001/67) and drew attention to the annexes thereto which contained an alternative preliminary draft optional protocol submitted by Mexico with the support of the group of Latin American countries (GRULAC) and a proposal of new and revised articles to be included in the original draft protocol submitted by Sweden on behalf of the European Union.

Statements made in exercise of the right of reply

81. Ms. RUIZ DE ANGULO (Costa Rica) said that she had been astounded to see Costa Rica listed among the countries from which reports had been received of extrajudicial killings of street children (E/CN.4/2001/9, para. 67). It was shocking that such an egregious error should have found its way into a document that had been distributed worldwide. Costa Rica was committed to human rights. It had not had a civil war or an army for more than 50 years and had no extrajudicial killings; it did not even have the death penalty. She had requested that the document should be withdrawn and reissued and had been told that a correction would be issued forthwith.

82. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that his delegation categorically rejected the unsubstantiated allegations made by the representative of the United States of America. As he had already noted, the United States was fond of pointing a finger at others while ignoring the notorious human rights violations being committed daily within its own borders. The United States had destroyed places of worship in his own country during the Korean war, thereby violating the religious freedom of the Korean people. The real violator of such freedom in the Democratic People's Republic of Korea was therefore the United States.

83. Mr. AL-NIMA (Observer for Iraq) said that he found it odd that the representative of the United States of America should arrogate to himself the role of defender of human rights when his Government was itself guilty of human rights violations and crimes against humanity, inter alia, in Viet Nam and in Iraq where it had used weapons containing depleted uranium. The Shiites - whom he allegedly wished to protect - were exposed, as was the entire Iraqi population, to daily bombings by United States forces.

84. Considering that the United States had used its veto in the Security Council to prevent the sending of an expert mission to the Palestinian territories to investigate the Israeli practices against unarmed Palestinian civilians, including children, and the destruction of their property, he should be the last to speak of human rights.

85. Mr. AL-KHALIFA (Observer for Bahrain), referring to the statement by the representative of Sweden that Bahrain and some other countries had not responded to requests from the Special Rapporteur on extrajudicial, summary or arbitrary executions for invitations to visit their countries, said that Bahrain's many achievements, including in the area of human rights, were a matter of great pride. He referred the spokesman for the European Union to the statements made by his delegation under agenda item 9.

86. Mr. BOICHENKO (Russian Federation) said that he was bewildered by the way the facts were presented in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9/Add.1). It would seem, from the part of the report dealing with the Russian Federation, that the Special Rapporteur had used sources which gave a distorted and unrealistic picture of the situation. There was no mention of the fact that his Government had replied to all the questions put by the Special Rapporteur after State bodies had conducted their proper verification. The report said not a word about barbarian Chechen fighters whose activities were directed at the civilian population. He had been even more surprised by the Special Rapporteur's oral introduction. It was almost as though the Special Rapporteur had not followed the events in the Chechen Republic of the Russian Federation.

87. Mr. NETO (Observer for Angola), referring to the regret expressed by the observer for Sweden speaking on behalf of the European Union, that requests for visits to Angola and other countries had not received a positive reply, said that the observer in question should read the various reports from the special rapporteurs and the statement made by the Special Rapporteur on freedom of expression and then withdraw his gratuitous allegations. It was not proper to make allegations when there was no documentary or other proof. His Government was cooperating with the Special Rapporteur and was looking into the allegations. Once the investigation was completed, his Government would write to the Special Rapporteur informing him when he could visit the country.

The meeting rose at 6.10 p.m.